Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-first Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 3rd, 1949, and
Ending March 3rd, 1949.

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.
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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed by the thirty-first legislative assembly of the State of Montana, commencing January 3, 1949 and concluding March 3, 1949, and in addition a true and correct copy of the Constitutional amendment and referendum measures adopted by the people of Montana at the general election held November 2, 1948.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this first day of June, A. D. 1949.

THE GREAT SEAL
of the
State of Montana.

Sam W. Mitchell

Secretary of State.

OFFICERS AND MEMBERS

OF THE

Thirty-first Legislative Assembly of the State of Montana

1949

GOVERNOR JOHN W. BONNER
Lieutenant Governor and President of the Senate: Paul Cannon
Speaker of the House: Leo C. Graybill

Members of Senate

NAME	Residence	County	Politics
Anderson, Le Roy H.	Conrad	Pondera	Democrat
Angstman, Jess L.	Havre	Hill	Democrat
*Arnold, S. C.	Broadview	Stillwater	Republican
Aronson, J. Hugo	Cut Bank	Glacier	Republican
Balgord, O. P.	Lavina	Golden Valley	Republican
*Blair, Ralph P.	Sidney	Richland	Democrat
*Bovey, Charles A.	Great Falls	Cascade	Democrat
Brown, Chas. W.	Terry	Prairie	Independent
*Buck, Frank B.	Ekalaka	Carter	Democrat
*Burke, Tom	Billings	Yellowstone	Republican
*Busch, L. W.	Baker	Fallon	Republican
*Cole, Kenneth R.	Winnett	Petroleum	Republican
Cremer, Leo J.	Shawmut	Sweet Grass	Independent
*Dahl, Andrew	Dagmar	Sheridan	Democrat
*Doggett, Howard J.	Townsend	Broadwater	Republican
Ebert, Oliver	Wh. Sul. Springs	Meagher	Republican
*Fewkes, D. F.	Troy	Lincoln	Republican
*Fischer, P. A.	Wibaux	Wibaux	Republican
Gosman, George M.	Dillon	Beaverhead	Republican
*Haight, Herbert H.	Suffolk	Fergus	Democrat
†Haynes, F. F.	Forsyth	Rosebud	Republican
*Henderson, M. R.	Hall	Granite	Republican
Hofland, J. M.	Circle	McCone	Democrat
*Hughes, Gerald H.	Stanford	Judith Basin	Republican
James, David F.	Joplin	Liberty	Democrat
Kelly, Ray	Polson	Lake	Democrat
*Larson, Glenn H.	Thompson Falls	Sanders	Republican
Lehrkind, Carl, Jr.	Bozeman	Gallatin	Democrat
Liggett, J. A.	Roundup	Musselshell	Republican
*Lott, M. J.	Twin Bridges	Madison	Republican
*Lynch, Austin E.	Fort Benton	Chouteau	Democrat
*McQuitty, E. F.	Harlowton	Wheatland	Democrat
Mahoney, Charles H.	Jordan	Garfield	Republican
Manning, D. M.	Hysham	Treasure	Democrat
*Markle, T. H.	Glasgow	Valley	Republican
*Moss, G. M.	Whitefish	Flathead	Republican
*Mulholland, M. J.	Butte	Silver Bow	Democrat
Padbury, Fred H.	Helena	Lewis & Clark	Republican
Parriott, Edwin F.	Livingston	Park	Democrat
Phillips, Mrs. B. M.	Landusky	Phillips	Democrat
*Rice, Paul	Bynum	Teton	Democrat
Ross, Thos. A.	Chinook	Blaine	Republican
Sawtell, Henry J.	Miles City	Custer	Republican
*Simon, Archie E.	Jefferson City	Jefferson	Democrat
Spear, W. B., Jr.	Kirby	Big Horn	Republican
‡Tibbals, H. A.	Saltese	Mineral	Democrat
Toman, J. Fred	Bowers	Powder River	Republican
Valiton, Don F.	Deer Lodge	Powell	Republican
Wallander, S. B.	Frold	Roosevelt	Republican
Walsh, J. D.	Glendive	Dawson	Republican
Wenger, Edward A.	Anaconda	Deer Lodge	Democrat
Wilcoxon, Sherd	Scobey	Daniels	Republican
*Wilson, Geo. W.	Shelby	Toole	Democrat
Wilson, H. H. K.	Red Lodge	Carbon	Democrat
*Winters, W. J.	Stevensville	Ravalli	Republican
*Worden, Donovan	Missoula	Missoula	Republican

* — Holdover.
† — Appointed to succeed G. D. Stewart, deceased.
‡ — Appointed to succeed George R. Cooper, deceased.

Secretary of the Senate: CLAUDE J. McALLISTER, Helena**
President Pro Tem: G. M. MOSS, Whitefish.

** — Deceased.

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House of Representatives

NAME	Residence	County	Politics
Andersen, Volney	Sidney	Richland	Democrat
Anderson, Eric	Regina	Phillips	Republican
Anderson, Ralph J.	Havre	Hill	Democrat
Armstrong, Ory J.	Kalispell	Flathead	Republican
Aronow, Cedor B.	Shelby	Toole	Democrat
Ballard, W. T.	Butte	Silver Bow	Democrat
Barnard, Lloyd	Saco	Valley	Democrat
Beck, Martin J.	Vida	McCone	Democrat
Blenkner, E. A.	Columbus	Stillwater	Republican
Brenner, J. S.	Grant	Beaverhead	Republican
Bricker, Ralph C.	Great Falls	Cascade	Republican
Burns, Ernest	Whitefish	Flathead	Democrat
Clark, Earl E.	Roundup	Musselshell	Democrat
Clark, Elmer	Butte	Silver Bow	Democrat
Corcoran, Dan H.	Ryegate	Golden Valley	Republican
Cotton, Robert S.	Glasgow	Valley	Democrat
Culbertson, Harry	Fort Benton	Chouteau	Democrat
Cunningham, John J.	Bridger	Carbon	Democrat
Dokken, Herman H.	Bozeman	Gallatin	Republican
Domke, David R.	Great Falls	Cascade	Democrat
Duncan, Philip C.	Whitehall	Jefferson	Democrat
Duppler, C. H.	Baker	Fallon	Republican
Dusak, John F.	Great Falls	Cascade	Democrat
Dwyer, Robert G.	Butte	Silver Bow	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Esp, Leonard J.	Big Timber	Sweet Grass	Republican
Ewing, Guy L.	Townsend	Broadwater	Democrat
Foley, Edward J.	Butte	Silver Bow	Democrat
Frerich, J. H.	Poplar	Roosevelt	Republican
Ganson, William L., Jr.	Terry	Prairie	Republican
Gebhardt, R. H.	Billings	Yellowstone	Republican
Goodgame, Allen	Troy	Lincoln	Democrat
Graybill, Leo C.	Great Falls	Cascade	Democrat
Gunderson, Ole S.	Power	Cascade	Democrat
Hall, Earl H.	Gardiner	Park	Democrat
Harken, R. C.	Forsyth	Rosebud	Democrat
Harlow, Paul K.	Thompson Falls	Sanders	Democrat
Harpster, John	Glendive	Dawson	Republican
Hawks, Clyde L.	St. Xavier	Big Horn	Republican
Haytin, John J.	Helena	Lewis & Clark	Republican
Helding, Oscar	Missoula	Missoula	Democrat
Hess, H. H.	Havre	Hill	Democrat
Holness, Melvin N.	Billings	Yellowstone	Republican
Holtz, Ronald W.	Portage	Cascade	Democrat
Howard, W. C.	Wibaux	Wibaux	Democrat
Hunter, Dr. W. L.	Helena	Lewis & Clark	Republican
Jarussi, John M.	Joliet	Carbon	Democrat
Jensen, Arthur N., Sr.	Superior	Mineral	Democrat
Karlberg, John	Missoula	Missoula	Democrat
Koch, Thos. P.	Hamilton	Ravalli	Democrat
Krieg, Fred C.	Billings	Yellowstone	Republican
Laas, Walter	Chester	Liberty	Democrat
Loble, Henry	Helena	Lewis & Clark	Democrat
Loughran, Mike	Butte	Silver Bow	Democrat
MacDonald, John J.	Jordan	Garfield	Democrat
McCarthy, June	Butte	Silver Bow	Democrat
McElwain, Joseph A.	Deer Lodge	Powell	Republican
McKenna, J. E.	Lewistown	Fergus	Democrat
Martin, C. Lester	Harrison	Madison	Republican
Mernin, Henry F.	Butte	Silver Bow	Democrat
Michels, Lloyd J.	Medicine Lake	Sheridan	Democrat
Mulroney, Thomas E.	Missoula	Missoula	Republican
Nixon, Richard	Hogeland	Blaine	Democrat
Oliver, John	Ekalaka	Carter	Republican
O'Neil, Carle F.	Kalispell	Flathead	Democrat
Page, John R.	Philipsburg	Granite	Democrat
Page, Winfield E.	Missoula	Missoula	Republican
Peters, Carl B.	Billings	Yellowstone	Republican
Peterson, N. A.	Valier	Pondera	Democrat
Phillips, R. J.	Lewistown	Fergus	Republican
Pierce, Geo. R.	Billings	Yellowstone	Republican
Robertson, I. A.	Ronan	Lake	Democrat
Rostad, Orville	Lennep	Meagher	Republican
Sales, W. L.	Manhattan	Gallatin	Republican
Scofield, Charles L.	Biddle	Powder River	Republican
Skibby, E. J.	Winnett	Petroleum	Republican
Smith, Gene A.	Anaconda	Deer Lodge	Democrat

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Standish, Lyle	Choteau	Teton	Republican
Taber, C. J.	Hamilton	Ravalli	Republican
Taylor, E. N.	Scobey	Daniels	Republican
Tierney, Frank	Butte	Silver Bow	Democrat
Tripp, Dr. Myron	Billings	Yellowstone	Democrat
Trout, Keith W.	Miles City	Custer	Democrat
Van Dyke, William	Harlowton	Wheatland	Democrat
Westlake, Lovitt I.	Bozeman	Gallatin	Democrat
Wiedman, R. H.	Polson	Lake	Republican
Williams, Edward C.	Cut Bank	Glacier	Democrat
Wilson, Archie	Hysham	Treasure	Republican
Wilson, J. Harry.	Stanford	Judith Basin	Democrat
Working, Paul	Wilsall	Park	Republican

Chief Clerk: DAN J. SULLIVAN, Butte.

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CONSTITUTIONAL AMENDMENT

CHAPTER 197

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of An Amendment to Section 39 of Article V of the Constitution of the State of Montana, Relating to the Remission of Certain Delinquent Personal Property Taxes and the Cancellation of Certain Obligations Held By Counties, the Collection of Which Is Barred By the Statute of Limitations 675

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An Act to Authorize the State of Montana to Become Indebted In the Sum of Five Million Dollars ($5,000,000.00) In Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction and Equipping Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor In and About the University of Montana, Consisting of the Six Units Thereof Now Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Issuance of Bonds In the Name of the State of Montana As Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a Levy of An Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, Providing for a Referendum of This Act, Describing the Form of Ballots to Be Used and the Duties of the Secretary of State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect 679

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SESSION LAWS

CHAPTER 1

An Act to Fix the Compensation of Officers and Employees of the Thirty-first Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whereas existing wage scales in effect at this time present an emergency requiring that the compensation of officers and employees of the Thirty-first Legislative Assembly shall be paid at a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the Legislative Assemblies and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the Thirty-first Legislative Assembly:

Preamble.

Compensation shall be paid to the officers and employees of the Thirty-first Legislative Assembly as follows:

Compensation of officers and employees of 31st legislative assembly.

The secretary of the Senate, the chief clerk of the House of Representatives, the sergeant-at-arms of each house, the Senate law clerk and the House of Representatives law clerk, ten dollars ($10.00) per day each:

Secretary of the senate and law clerks, $10 per day.

The assistant secretary of the Senate, the assistant chief clerk of the House of Representatives; and the journal clerk, the enrolling clerk and assistant enrolling clerk, the engrossing clerk and the assistant engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeant-at-arms, of the Senate, the assistant sergeants-at-arms of the House of Representatives; the assistant Senate law clerk and the assistant House of Representatives law clerk (in case such assistants are employed), the secretary to the judiciary committee, the secretary to the finance and claims committee, of the Senate, the secretary to the judiciary committee, the secretary to the appropriations committee, of the House, the chief stenographer of the Senate,

Assistant secretary of senate and others, $9 per day.

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the secretary to the speaker of the House of Representatives, the secretary to the president of the Senate, and the secretaries to the majority floor leaders of both houses, nine dollars ($9.00) per day each.

Assistant journal clerk and others, $8 per day.

The assistant journal clerk, the assistant bill clerk, the assistant printing clerk, the reading clerk, the secretary to the sergeant-at-arms, of each house; two chief proof readers, and the mailing clerk, of the Senate; the clerk to the chief clerk of the House of Representatives, the stenographer to the secretary of the Senate, the payroll clerk of the House of Representatives, the supply clerk of the House of Representatives, stenographers, and the mailing and filing clerk of the House of Representatives, eight dollars ($8.00) per day each.

Chaplain and others, $7 per day.

The chaplain, other committee clerks, typists, other proof readers, door-keepers, assistant door-keepers, janitors, assistant janitors and watchmen of each house, the telephone operators, elevator operators of the House of Representatives, seven dollars ($7.00) per day each.

Pages $5 per day.

Pages, five dollars ($5.00) per day each.

All others, $7 per day.

And all other employees of the Legislative Assembly not herein specifically enumerated, seven dollars ($7.00) per day each.

Period for which salary payable.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee.

Salaries specified payable only to officers and employees of 31st legislative assembly.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the Thirty-first Legislative Assembly of the State of Montana and shall not be effective for, nor payable to the officers and employees of any subsequent Legislative Assembly.

Effective date.

Section 3. This act shall take effect, and be in full force from and after its passage and approval.

Approved January 6, 1949.

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CHAPTER 2

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken for the Authorization and Issuance by Such Public Bodies of Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited as "The 1949 Bond Validating Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Short title.

Section 1. This act may be cited as "The 1949 Bond Validating Act."

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meaning:

"Public body."

(a). The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

"Bonds"

(b). The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance or specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Validation of bonds of public bodies.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such

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bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery; and bonds of such public bodies, whether issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid, and enforceable obligations of such public body.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved January 26, 1949.

CHAPTER 3

An Act to Amend Section 3767 of the Revised Codes of Montana, 1935, Relating to Powder River Game Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3767 R. C. Mont. 1935 amended.

Section 1. That Section 3767 of the Revised Codes of Montana, 1935, be, and the same is hereby amended so as to read as follows:

Powder River Game Reserve —boundaries of.

"Section 3767. **Powder River Game Preserve.** Beginning at the southeast corner of *Powder River* County at the Montana-Wyoming State Line, thence north and along the north and south line between *Powder River* and *Carter* Counties to a point where same dissects the East Fork of the Little Powder River, thence following down the center of said stream to the west bank of the Little Powder River, thence down the west bank thereof to its confluence with Powder River, thence up the east bank of said Powder River to the junction of Cache Creek therewith, thence up the channel of said Cache Creek and the North Fork thereof to the divide or water-shed between Powder River and Tongue River, and thence south along said water-shed to the Montana-Wyoming State Line, and thence due east and along said state line to the place of beginning."

Effective date.

Section 2. This act shall take effect upon its passage and approval.

Approved January 29, 1949.

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CHAPTER 4

An Act to Amend Section 4464, Revised Codes of Montana, 1935, as Amended by Chapter 176, Session Laws of 1939 Relating to Compensation and Mileage of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4464, R. C. Mont. 1935, as amended, hereby amended.

Section 1. That Section 4464, Revised Codes of Montana, 1935, as amended by Chapter 176 of the Session Laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Compensation of members of board.

"Section 4464. **Compensation of Members of Board.** Each member of the Board of County Commissioners is entitled to *Ten Dollars ($10)* per day for each day's attendance on the sessions of the Board, and seven cents per mile for the distance necessarily traveled in going to and returning from the county seat and his place of residence, and no other compensation must be allowed."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from July 1, 1949, but shall not in any manner affect the salaries of those county officers who are in office at the date such act goes into effect, such officers being entitled to the same salaries they are receiving at the date this act takes effect for the remainder of the terms for which they were elected.

Approved February 2, 1949.

CHAPTER 5

An Act to Amend Section 4465.8 of the Revised Codes of Montana, 1935, as Amended by Chapter 238 of the Session Laws of Montana of 1947, Relating to the Jurisdiction and Power of Counties and County Commissioners to Erect, Furnish and Maintain a Court House, Jail, Hospital, Civic Center, Youth Center, Park Buildings, Museums, Recreation Centers, and Any Combination Thereof, and Such Other Public Buildings as May Be Necessary, and Providing for a Commission to Man-

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age the Same, and Providing That the County Hospital May Be Used for the Care of the Indigent Sick, and Providing When Same May Be Used for Hospitalization of Non-indigent Sick, and Providing for Furnishing and Equipping Buildings Suitable for County Hospital Purposes Which May Now Be Owned or Which May Hereafter Be Acquired by a County.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4465.8 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 4465.8 of the Revised Codes of Montana, 1935, as amended by Chapter 238 of the Session Laws of Montana of 1947, be amended to read as follows:

Erection and management of county buildings and other improvements.

"4465.8. **Erection and Management of County Buildings and Other Improvements.** The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To cause to be erected, furnished and maintained a court house, jail, hospital, civic center, youth center, park buildings, museums, recreation centers, and any combination thereof, and such other public buildings as may be necessary.

Commission for management of *such county* buildings.

"The Board of County Commissioners shall have the power in their discretion to create a Commission for the management of such civic center, youth center, park buildings, museums, recreation centers, *hospitals,* or any combination of two or more thereof. Such Commission shall be composed of the senior district court judge of the county, chairman of the Board of County Commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and five (5) lay members to be appointed by the senior district court judge, the chairman of the Board of County Commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and their terms of office shall be respectively one (1) for one (1), two (2) for two (2), and two (2) for three (3) years, and on the expiration of such terms of one (1), two (2) and three (3) years, their successors shall hold for three (3) years each, and all of the above persons shall serve without compensation. In cases where a Commission has been appointed, the Commission together

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with the Board of County Commissioners shall have the power to employ a manager.

County hospital.

"A county hospital so erected and furnished may be used for the hospitalization of the indigent sick of the county. Any county hospital which has heretofore been, or which may hereafter be, erected and furnished under the provisions of this act, and which has been, or may be, leased, as provided by Section 4465.29 of the Revised Codes of Montana, 1935, may also be used for the hospitalization of the non-indigent sick, provided said non-indigent sick pay a reasonable fee for such hospitalization, and provided further that, except in cases of emergency, there are no indigent sick needing hospitalization who would be deprived of hospitalization by reason of the use of said hospital facilities by non-indigents. The Board of County Commissioners of any county of this state which now has, or may hereafter acquire, title to a site and building, or buildings, suitable for county hospital purposes, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law to furnish and equip such building, or buildings, for hospital purposes in accordance with and as provided by the provisions of this act."

Construction of act.

Section 2. Nothing herein contained shall be construed as amending or repealing Chapter 17 of the laws of the twenty-ninth legislative assembly.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1949.

CHAPTER 6

An Act for the Submission to the Qualified Electors of the State of Montana of An Amendment to Section One (1) of Article Eighteen (18) of the Constitution of the State of Montana, Relating to the Separation of the Bureau of Labor and Industry From the Bureau of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section one (1) of Article Eighteen

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Sec. 1,art.. 18 of constitution, amendment of to be submitted to electors.

(18) of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1950.

Section 2. That Section one (1) of Article Eighteen (18) of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Amended section, as proposed.

"Section 1. The Legislative Assembly *shall* provide for a *Department* of Agriculture, *and a separate Department of Labor and Industry* to be located at the Capitol *and each of said Departments shall be under the control of a separate commissioner who shall be appointed* by the Governor, subject to the confirmation of the Senate. *Each commissioner* shall hold office for four (4) years, and until his successor is appointed and qualified; *the* compensation *of each commissioner* shall be as provided by law. *The powers and duties of each commissioner shall be prescribed by the legislature.*"

Submission to electors.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot, provided by Vol. I Chapter 67, Revised Codes of Montana, 1935, as amended by Chapters 81 and 170, Session Laws of the State of Montana, 1939, and as amended by Chapters 67 and 141, Session Laws of the State of Montana of 1947, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the Amendment

☐ Against the Amendment

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Canvass of votes.

Section 4. The vote cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1949.

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CHAPTER 7

An Act to Amend Sections 2912, 2913, 2914 and 2915 of the Revised Codes of Montana of 1935, as Amended by Chapter 230 of the Session Laws of the State of Montana of 1947, and to Amend Section 2918 of the Revised Codes of Montana of 1935, as Amended by Chapter 213 of the Session Laws of the State of Montana of 1945, and to Amend Section 2920 of the Revised Codes of Montana of 1935, as Amended by Chapter 213 of the Session Laws of the State of Montana of 1945, as Amended by Chapter 230 of the Session Laws of the State of Montana of 1947, All Relating to Compensation for Injuries to Workmen by Increasing Compensation in Cases of: Temporary, Total, and Total Partial Disabilities, for Injuries Causing Death, and Date From Which Compensation Is to Be Paid in Case of Death, and for Specified Injuries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2912 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2912 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 230 of the Session Laws of the State of Montana of 1947, be, and the same is hereby amended to read as follows:

Compensation for injury producing temporary total disability.

"Section 2912. **Compensation for Injury Producing Temporary Total Disability. For An Injury Producing Temporary Total Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-two dollars ($22.00)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury,

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subject to a maximum compensation of *twenty-three dollars ($23.00)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to the inaximum compensation of *twenty-four dollars ($24.00)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-five dollars ($25.00)* per week; where the injured employee has a wife and four or more children, or five or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six dollars ($26.00)* per week, and subject in all cases to a minimum compensation of *thirteen dollars ($13.00)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Sec. 2913 R. C. Mont. 1935, as amended, further amended.

Section 2. That Section 2913 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 230 of the Session Laws of the State of Montana of 1947, be, and the same is hereby amended to read as follows:

Compensation for injury producing total disability permanent in character.

"Section 2913. **Compensation for Injury Producing Total Disability Permanent in Character. For an Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received

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at the time of the injury, subject to a maximum compensation of *twenty-two dollars ($22.00)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars ($23.00)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-four dollars ($24.00)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-five dollars ($25.00)* per week; where the injured employee has a wife and four children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six dollars ($26.00)* per week; and subject in all cases to a minimum compensation of *thirteen dollars ($13.00)* per week; and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Sec. 2914 R. C. 1935, as amended, further amended.

Section 3. That Section 2914 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 230 of the Session Laws of the State of Montana of 1947, be, and the same is hereby amended to read as follows:

For injury producing partial disability.

"Section 2914. **For Partial Disability — For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at

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the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-two dollars ($22.00)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-three dollars ($23.00)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-four dollars ($24.00)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-five dollars ($25.00)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-six dollars ($26.00)* per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss

For injury producing partial disability.

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of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases."

Sec. 2915 R. C. Mont. 1935, as amended, further amended.

Section 4. That Section 2915 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 230 of the Session Laws of the State of Montana of 1947, be, and the same is hereby amended to read as follows:

Compensation for injury causing death.

"Section 2915. **Compensation for Injury Causing Death. For Beneficiaries Residing Within the United States.** Where decedent leaves one beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where decedent leaves two beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars ($22.00)* per week; where decedent leaves three beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three ($23.00)* per week; where decedent leaves four beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four dollars ($24.00)* per week; where decedent leaves five beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-five dollars ($25.00)* per week; where decedent leaves six or more beneficiaries, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six dollars ($26.00)* per week; and subject in all such cases to a minimum compensation of *thirteen dollars ($13.00)* per week. **For Beneficiaries Residing Outside of the United States.** Where decedent leaves one beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three beneficiaries, forty-

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seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

If decedent leaves no beneficiaries.

If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date happening of the injury; where decedent leaves one major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where decedent leaves two major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars ($22.00)* per week.

If decedent leaves no major dependents.

If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

Maximum compensation.

All such payments of compensation provided for in this section shall be subject to a maximum compensation of *twenty-six dollars ($26.00)* per week for a period not exceeding *five hundred (500)* weeks and subject to change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Sec. 2918 R. C. Mont. 1935, as amended, further amended.

Section 5. That Section 2918 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 213 of the Session Laws of the State of Montana of 1945, be, and the same is hereby amended to read as follows:

"Section 2918. **Compensation from what Date Paid.** When an injured employee has no wife, child, father,

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mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, no compensation shall be allowed or paid during the first week of any injury, except as may be required by the provisions of the preceding section, but if disability continues six weeks, compensation shall be paid from the date of injury. Where the injured employee has a beneficiary or a major or minor dependent residing within the United States who would be entitled to compensation in case of his death, no compensation shall be paid for the first week of any injury, but if disability continues three weeks, compensation shall be paid from the date of injury; provided, that separate benefits of medical and hospital services shall be furnished from date of injury."

Compensation, from what date paid.

Section 6. That Section 2920 of the Revised Codes of the State of Montana of 1935, as amended by Chapter 213 of the Session Laws of the State of Montana of 1945, as amended by Chapter 230 of the Session Laws of the State of Montana of 1947, be, and the same is hereby amended to read as follows:

Sec. 2920 R. C. Mont. 1935, as amended, further amended.

"Section 2920. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty dollars ($20.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars ($22.00)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars ($23.00)* per week; where the injured employee has a wife and two children, or three

Compensation in case of specified injuries.

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children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four dollars ($24.00)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-five dollars ($25.00)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six dollars ($26.00)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *thirteen dollars ($13.00)* per week, and shall be paid for the following periods:

Specified injuries.

For loss of:

One arm at or near shoulder	*250*	weeks
One arm at the elbow	*225*	weeks
One arm between wrist and elbow	*200*	weeks
One hand	*187*	weeks
One thumb and the metacarpal bone thereof	*75*	weeks
One thumb at the proximal joint	*37*	weeks
One thumb at the second distal joint	*25*	weeks
One first finger and the metacarpal bone thereof	*37*	weeks
One first finger at the proximal joint	*25*	weeks
One first finger at the second joint	*18*	weeks
One first finger at the distal joint	*12*	weeks
One second finger and the metacarpal bone thereof	*37*	weeks
One second finger at the proximal joint	*18*	weeks
One second finger at the second joint	*12*	weeks
One second finger at the distal joint	*6*	weeks
One third finger and the metacarpal bone thereof	*25*	weeks
One third finger at the proximal joint	*15*	weeks
One third finger at the second joint	*10*	weeks
One third finger at the distal joint	*5*	weeks

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One fourth finger and the metacarpal bone thereof	*15*	weeks
One fourth finger at the proximal joint	*11*	weeks
One fourth finger at the second joint	*7*	weeks
One fourth finger at the distal joint	*4*	weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	*250*	weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	*187*	weeks
One leg between knee and ankle	*175*	weeks
One foot at the ankle	*156*	weeks
One great toe with the metatarsal bone thereof	*37*	weeks
One great toe at the proximal joint	*18*	weeks
One great toe at the second joint	*12*	weeks
One toe other than the great toe with the metatarsal bone thereof	*15*	weeks
One toe other than the great toe at the proximal joint	*7*	weeks
One toe other than the great toe at second or distal joint	*4*	weeks
One eye by enucleation	*150*	weeks
Total blindness of one eye	*125*	weeks
Total loss of hearing, one ear	*25*	weeks
Total loss of hearing, both ears	*150*	weeks

Total disability, permanent in character, what shall constitute.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved February 3, 1949.

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CHAPTER 8

An Act to Amend Section 122, Revised Codes of Montana, 1935, as Amended by Chapter 181, Laws of the Thirtieth Legislative Assembly, 1947, Relating to Deputy State Officers, Their Duties, Bonds, Oath and Appointment.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 122, R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 122, Revised Codes of Montana, 1935, as amended by Chapter 181, Laws of the Thirtieth Legislative Assembly, 1947, be, and the same is hereby amended to read as follows:

Deputy state officers.

"Section 122. **Deputy State Officers.** The State Treasurer, State Auditor, Clerk of the Supreme Court, and the State Superintendent of Public Instruction shall each appoint a deputy, who, in the absence of the principal, or in the case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled.

Chief deputy and deputy secretaries of state.

The Secretary of State shall appoint a Chief Deputy and a Deputy, who in the absence of the principal shall perform all the duties of office. In the case of a vacancy in the office of Secretary of State, the Chief Deputy shall perform all the duties of the office until such disability be removed or vacancy filled.

Such deputy *or deputies* shall subscribe, take and file the oath of office provided by law for other State officers before entering upon the performance of his duties. The principal shall be responsible under his official bond for all the official acts of his deputy and may revoke his appointment at his pleasure, and may require the deputy to give him a bond in such sum as the principal may determine, which bond shall be made, executed, approved and filed as other State bonds; provided, nothing herein contained shall be construed to authorize an increase of the number of employees in any office."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 3, 1949.

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CHAPTER 9

An Act to Reappropriate and Appropriate Money Heretofore Appropriated for the Printing, Binding and Distribution of the Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The appropriation of money made by Section 9 of Chapter 43 of the Laws of 1947 in the sum of Forty Thousand Dollars ($40,000.00) shall continue in force and effect and the balance of said appropriation and sum remaining on the effective date of this Act is hereby reappropriated and appropriated to pay for the printing, binding and delivery of the Revised Codes of Montana of 1947 and other expenses necessary to carry out the provisions of said Chapter 43 of the Laws of 1947.

Sec. 9, Ch. 43, laws of 1947, appropriation of money made by continued in force.

Section 2. The provisions of this act shall be deemed valid notwithstanding the provisions of the Budget Act.

Budget act not controlling.

Section 3. This act shall be effective upon its passage and approval.

Effective date.

Approved February 3, 1949.

CHAPTER 10

An Act to Amend Section 5447 of the Revised Codes of Montana of 1935, Relating to Compensation of Commissioners and Mayor Under the Commission-Manager Plan of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5447 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 5447, R. C. Mont. 1935, amended.

"Section 5447. **Compensation of Commissioners and Mayor.** The salary of each commissioner shall be as follows: For each meeting attended, cities or towns with less than twenty-five thousand inhabitants, *ten dollars ($10.00)*; cities with more than twenty-five thousand inhabitants, not to exceed *twenty dollars ($20.00)*; provided, that not more than one fee shall be paid for any one day. The salary of

Compensation of commissioners and mayor.

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the commissioner acting as mayor shall be one and one-half times that of the other commissioners."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1949.

CHAPTER 11

An Act to Amend Section 4805, Revised Codes of Montana, 1935, Relating to the Receipt of Instruments to be Recorded by the County Clerk and Recorder.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4805 R.C. Mont. 1935 amended.

Section 1. That Section 4805 of the Revised Codes of Montana, 1935, be, and the same is hereby amended so as to read as follows:

Duty on receipt of instrument to be recorded by the county clerk and recorder.

"Section 4805. **Duty on Receipt of Instrument to Be Recorded by the County Clerk and Recorder.** When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the office of the county clerk, as ex-officio recorder, for record, accompanied by the required fee, he must indorse upon the same, the time it was received, noting the year, month, day, hour and minute of its reception, *and the reception of the instrument must be immediately entered in the county clerk and recorder's reception book. The county clerk must record said instrument* without delay, together with the acknowledgment, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as of the time when the same was received for record, and must note at the foot of the record the exact time of its reception. The county clerk shall not receive for recording, any deed, mortgage or assignment of mortgage unless the postoffice address of the grantee, mortgagee or assignee of the mortgagee, as the case may be, is contained therein, provided that this requirement shall not effect the validity of the record of any instrument which has been or may be recorded.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall take effect upon its passage and approval. Effective date.

Approved February 3, 1949.

CHAPTER 12

An Act to Amend Section 1 of Chapter 176, Session Laws of Montana of 1937, as Last Amended by Section 1 of Chapter 146, Session Laws of Montana of 1941; Relating to an Act Providing for Regulation of the Preparation, Possession and Sale of Narcotics in the State of Montana; Defining Certain Words and Phrases in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 146 of the Laws of the Legislative Assembly of Montana of 1941, be, and the same is hereby amended to read as follows: Sec. 1, Ch. 146, laws of 1941 amended.

"**Definitions, Words and Phrases.** The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires: Definitions, words and phrases.

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies nar-

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cotic drugs that he himself has not produced or prepared, on official written orders, but not on prescription.

Definitions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the Secretary of the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the Secretary of the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes all parts of the plant canabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, or

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any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) "Narcotic drugs" means coca leaves, opium, cannabis, marihuana, Indian hemp, *isonipecaine, amidone, isoamidone, keto-bemidone,* and every substance neither chemically nor physically distinguishable from them. Definitions.

(15) "ISONIPECAINE" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name designated.

(16) "AMIDONE" means any substance identified chemically as (4-4-diphenyl-6-dimethylamino-heptanone-3), or any salt thereof, by whatever trade name designated.

(17) "ISOAMIDONE" means any substance identified chemically as (4-4-dyphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt thereof, by whatever trade name designated.

(18) "KETO-BEMIDONE" means any substance identified chemically as [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] or any salt thereof, by whatever trade name designated.

(19) "Federal Narcotic Laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(20) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal Law, and if no such order form is provided, then on an official form provided for that purpose by the Secretary of the State Board of Health.

(21) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(22) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1949.

CHAPTER 13

An Act to Amend Section 5 of Chapter 208 of the Session Laws of Montana, 1939, Relating Respectively to the Appointment of the Secretary of the Commission; the Duties of Said Secretary; and the Compensation of Said Secretary; All Relating to the Grass Conservation Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5, Ch. 208, laws of 1939 amended.

Section 1. That Section 5 of Chapter 208, Session Laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Secretary; compensation.

"Section 5. The commission shall select and appoint a secretary *and said* secretary shall be the executive officer of the commission and shall be controlled and directed by the rules and regulations established by the commission from time to time and applicable to the duties of his office. The commission shall fix the salary of the secretary *not to exceed three-hundred fifty dollars ($350.00) per month.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 4, 1949.

CHAPTER 14

An Act to Amend Section 4568, of the Revised Codes of Montana, 1935, Relating to Library Tax, by Increasing Tax Therein Provided to Two Mills.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4568, Revised Codes of Mon-

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tana, 1935, be, and the same is hereby amended to read as follows:

Sec. 4568 R. C. Mont. 1935 amended.

"4568. **Library tax — bonds for building — gifts and bequests — funds and claims.** The Board of County Commissioners, after a county free library has been established, may annually levy, in the same manner and at the same time as other county taxes are levied, a special tax not to exceed *two mills* on the dollar upon all property in such county, for the purpose of maintaining the county free library. County bonds may be issued in the manner prescribed in sections 4614 to 4616 of these Codes, for the erection and equipment of county free library buildings, and the purchase of land therefor. The Board of County Commisisoners is authorized to receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the County Treasurer. They shall constitute a separate fund, called the County Free Library Fund, and shall not be used for any purposes except those of the county free library. Each claim against the County Free Library Fund shall be authorized and approved by the county librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county."

Library tax.

Bonds for buildings.

Gifts and bequest.

Funds.

Claims.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 4, 1949.

CHAPTER 15

An Act Authorizing and Directing the Montana Liquor Control Board to Charge and Collect an Excise Tax on All Liquor Sold by it for the Use and Benefit of the Counties, Cities and Towns of the State of Montana; and Providing for the Payment of Said Tax to the Treasurers of the Various Counties of the State Where Said Liquor is Sold in State Liquor Stores, Providing in

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Addition That Said Tax Shall be Charged and Collected On All Liquor Brought Into the State and Taxed by the Montana Liquor Control Board; Requiring the County Clerk and Recorder in Each County to File a Certified Statement of the Number of Registered Voters in Each Incorporated City and Town of the County and Also a Copy of the Registration of the Rural Voters in the County, Based On the Last Registration, With the Montana Liquor Control Board and File Another Copy With the Treasurer of Their County.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana liquor control board directed to collect an additional excise tax on liquor sold.

Section 1. The Montana Liquor Control Board is hereby authorized and directed to charge, receive and collect at the time of sale and delivery of any liquor under any provision of the laws of the State of Montana an excise tax of six per centum (6%) of the retail selling price on all liquor so sold and delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the Montana Liquor Control Board. The retail selling price shall be computed by adding to the cost of said liquor the state mark-up as designated by said board. Said six per centum (6%) tax shall be figured in the same manner as the state excise tax of eight per centum (8%) and shall be in addition to said eight per centum (8%) excise tax. The Montana Liquor Control Board shall retain the amount of such six per centum (6%) excise tax so received in a separate account and shall apportion said tax to the treasurers of the counties according to the amount of liquor sold by said board to the purchasers in each county. The Montana Liquor Control Board shall pay quarterly to each County Treasurer the proportion of the tax due each county. The County Treasurer shall within thirty (30) days after receipt of such tax, apportion to the treasurer of each incorporated city and town within his county, and to the rural areas, on a per capita basis as to the registration of voters in the last general election. After apportioning the funds to the incorporated cities and towns, the remainder shall be placed in the general fund of his county. It shall be the duty of the clerk and recorder of each county to file a certified copy of the number of registered voters of the last general election in the incorporated cities and towns of the county, and also a copy of the registration of the rural voters of the county based on the same election regis-

Apportionment to treasurers of counties.

Apportionment by county treasurers.

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tration as supplied for the incorporated cities and towns in his county, with the Montana Liquor Control Board and the county treasurer of his county.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after May 1, 1949. Effective date.

Approved February 4, 1949.

CHAPTER 16

An Act to Amend Section 2736.7 of Chapter 248, Revised Codes of Montana, 1935, by Prohibiting the Operation of Aircraft in Such a Manner as to Endanger the Life or Property of Others.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2736.7, Revised Codes of Montana, 1935, as amended by Chapter 109 of the Laws of the Twenty-sixth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows: Sec. 2736.7 R. C. Mont. 1935, as amended, further amended.

"2736.7. **Lawfulness of Flight — Landings — Recovery of Damages.** Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water, or in violation of the air commerce regulations which have been, or may hereafter be, promulgated by the Department of Commerce of the United States. *No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others, including the aircraft being operated and passengers carried therein. The wilful and malicious use of aircraft in stunting or diving over livestock in a manner calculated to frighten or stampede them, shall be deemed an unlawful use thereof, and actual and punitive damages, in addition to the penalties, provided by this Act, may be recovered in an action for damages caused therefrom.* Lawfulness of flight. Unlawful use of aircraft. Damages recoverable.

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Unlawful landings.

"The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft *or* the pilot shall be liable for actual damage caused by such forced landing."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 4, 1949.

CHAPTER 17

An Act to Amend Section 459.1 of the Revised Codes of Montana, 1935, as Last Amended by Chapter 139, of the Session Laws of Montana of 1943, Relating to the Compensation of State Officers and Employees *and Making Certain Exceptions Therefrom.*

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 459.1 of the Revised Codes of Montana of 1935, as last amended by Chapter 139, of the Session Laws of Montana of 1943, be, and the same is hereby amended to read as follows:

State officers and employees to make itemized statement of daily expenses while in travel status.

"Section 459.1. Every person engaged in any service in every department of State, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the State under monthly or yearly salary, or who may be sent by any authorized executive of any department of the State upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the Board of Examiners the said itemized statement, and at the end of each month, or if sooner required by said Board, the said person so

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engaged shall render a total or recapitulation account thereof in a form to be prescribed by said Board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than *Six Dollars ($6.00) per day for the period of time commencing March 1, 1949, and continuing until July 1, 1951, and not more than Five Dollars ($5.00) per day thereafter;* provided, however, that such persons while engaged on official business outside the State of Montana, shall be allowed such actual expenses as in the judgment of the Board of Examiners are reasonable in an amount not to exceed *Eight Dollars ($8.00) per day for the period of time commencing March 1, 1949, and continuing until July 1, 1951, and not more than Seven Dollars ($7.00) per day thereafter, provided further, that the provisions of this Act shall not apply to persons holding offices specifically provided for in Section 8816, or Section 8824, Revised Codes of Montana, 1935.''*

Limitations of expense.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 7, 1949.

CHAPTER 18

An Act Accepting the Amendment Enacted by Congress to Section Eleven of the Act Approved February 22, 1889, (25 Stat. 676), Relating to the Admission Into the Union of the States of North Dakota, South Dakota, Montana and Washington, Approved by the President of the United States, April 13, 1948.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State of Montana hereby accepts the amendment to Section Eleven of the Act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana and Washington, approved by the President of the United States, April 13, 1948, (Public Law 480 — 80th Congress), which amendment reads as follows:

Acceptance by state of amendment to act of congress relating to the admission to the Union of State of Montana.

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"Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, that the second paragraph of Section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana and Washington, approved February 22, 1889, as amended, is amended to read as follows: 'Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such term of years and on such conditions as may be from time to time provided by the legislatures of the respective states; leases for grazing and agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years.'

Text of amendment.

Approved April 13, 1948."

Repealing clause.

Section 2. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1949.

CHAPTER 19

An Act to Amend Section 5738, Revised Codes of Montana, 1935, Relating to Grounds for Divorce and Defining "Extreme Cruelty" and Providing That the Cause of Action May be Stated in the Language of the Statute.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5738 R. C. Mont. 1935 amended.

Section 1. That Section 5738 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Extreme cruelty defined.

"Section 5738. **Extreme Cruelty Defined.** Extreme cruelty is the infliction, or threat of grievous bodily injury, or of bodily injury dangerous to life, or the repeated infliction or threat of bodily injury or personal violence upon the other party by one party to the marriage, or the re-

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peated publication or utterance of false charges against the chastity of the wife by the husband, or the infliction of grievous mental suffering upon the other by one party to the marriage, by a course of conduct towards or treatment of one party to the marriage by the other, existing and persisted in for a period of one (1) year before the commencement of the action for divorce, which justly and reasonably is of such a nature and character as so to destroy the peace of mind and happiness of the injured party, or entirely to defeat the proper and legitimate objects of marriage, or to render the continuance of the married relation between the parties perpetually unreasonable or intolerable to the injured party. *The complainant in such suit may state the grounds for divorce in the words of the statute, but either party may demand a bill of particulars as in other civil cases.*"

Pleading

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 7, 1949.

CHAPTER 20

An Act to Amend Chapter 118 of the Laws of Montana of 1947, Designating the Salary of the Adjutant General of the State of Montana, and the Assistant Adjutant General of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 118 of the Laws of Montana of 1947, be and the same is hereby amended to read as follows:

Chap. 118, laws of 1947 amended.

"Section 1. The annual salary of the Adjutant General of the State of Montana shall be four thousand two hundred dollars ($4,200.00).

Salary of adjutant general.

Section 2. The annual salary of the Assistant Adjutant General of the State of Montana shall be three thousand six hundred dollars ($3,600.00)."

Salary of assistant adjutant general.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1949.

CHAPTER 21

An Act to Amend Section 1346, Revised Codes of Montana, 1935, Providing for an Adjutant General of the State of Montana, and an Assistant Adjutant General of the State of Montana, and Prescribing Their Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1346 R. C. Mont., 1935 amended.

Section 1. That Section 1346, Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Adjutant general of State of Montana.

"1346. There shall be an Adjutant General of the State *of Montana,* who shall be appointed by the Governor, and shall have the rank of Brigadier General. He shall hold office at the pleasure of the Governor, and his commission shall expire with the term for which the Governor appointing him shall have been elected. He shall perform the duties prescribed for him in this Chapter and in the regulations now or hereafter issued thereunder, and in the statutes of the United States now or hereafter enacted, and such duties as pertain to the duties of the chiefs of staff departments.

Assistant adjutant general.

There shall also be an Assistant Adjutant General of the State of Montana, who shall be appointed by the Adjutant General, with the approval of the Governor. He shall be commissioned in the Montana National Guard with rank not lower than that of Captain. He shall assist the Adjutant General in the performance of his statutory duties, and, during the incapacity or absence from the State of the Adjutant General, shall act in his stead."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

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CHAPTER 22

An Act Creating and Establishing a Fund to be Known as the "World War II Orphans' Educational Fund" to Provide Educational Opportunities for the Children of Members of the Armed Forces of the United States Who Were Killed in Action, Died During World War II or Subsequent Thereto as a Result of Service-incurred Disabilities; Providing for an Appropriation Thereto and Granting the Board of Education Authority to Disburse Said Fund, and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

World War II Orphans' Educational Fund created.

Section 1. There is hereby created a "World War II Orphans' Educational Fund" from which shall be paid, in whole or in part, the charges for the tuition, matriculation, board, room rent, books and supplies of such of the children of persons who served in World War II and had a legal residence in this State at the time they were commissioned, warranted, enlisted, or inducted into the armed forces of the United States and who were either killed in action between September 16, 1940, and September 2, 1946, or whose death resulted from a service-incurred disability contracted between September 16, 1940, and September 2, 1946, such service-incurred disability to coincide with determination made in said cases by the Veterans Administration, as are now attending or may hereafter attend any of the units of the Greater University of Montana, provided any such child shall have entered such institution prior to attaining the age of twenty-one years.

State board of education to determine eligibility of child for benefits.

Section 2. The State Board of Education shall determine the eligibility of any such child who makes application for the benefits provided for in the Act, and said Board shall satisfy itself of the attendance of such child at any such institution and the accuracy of the charges submitted to said Board by the authorities of any such institution on account of attendance thereof of any such child.

Limitation of allotment.

Section 3. Said Board shall determine the amount to be allotted to any such child, but in no event shall more than Five Hundred Dollars ($500.00) be allotted to any such child in any fiscal year and the sums allotted shall

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be paid direct to the institution, upon due presentation of a claim therefor bearing the approval of the State Board of Education endorsed thereon.

Appropriation.

Section 4. The sum of Ten Thousand Dollars ($10,000.00), or as much thereof as may be necessary, is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

CHAPTER 23

An Act to Amend Section 1373, Revised Codes of Montana of 1935, Providing for Payment of Claims Against National Guard Appropriation and of Allowed Pay and Expenses of the Organized Militia When Called Into the Service of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1373 R. C. Mont. 1935 amended.

Section 1. That Section 1373, Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

Claims against national guard appropriation.

"Section 1373. All bills, claims, and demands against the national guard appropriation shall be certified or verified in the manner prescribed by regulations promulgated by the Governor, and shall be audited and approved by the Adjutant General and, if allowed, by the State Board of Examiners, shall be paid by the State Treasurer upon the warrant of the State Auditor from the national guard appropriation; provided, however, that in all cases where the organized militia or any part thereof is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, *disaster*, or in aid of the civil authorities, warrants for allowed pay and expenses for such service shall be drawn upon the General Fund of the State Treasury and paid out of any moneys in said Fund, on the order of the Governor."

Claims payable from general fund of state treasury.

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Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 9, 1949.

CHAPTER 24

An Act to Amend Section 4, Chapter 206 of the Laws of the Twenty-eighth Legislative Assembly, of the State of Montana, 1943, Relating to a Predatory Animal Control Program for Sheep Protection and Fixing a License Fee to Support Such Program and Providing That the Annual License Fee Levied by the Board of County Commissioners Upon Petition of the Owners of at Least Fifty-one Percent (51%) of the Sheep in the County Shall Remain in Force from Year to Year Unless Repealed by the Board Upon Petition of the Owners of at Least Fifty-one Percent (51%) of the Sheep in the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 206 of the Laws of the Twenty-Eighth Legislative Assembly of the State of Montana, 1943, shall be, and the same is hereby amended to read as follows: Sec. 4, Ch. 206 laws of 1943 amended.

"Section 4. In conducting a predatory animal control program, the Board of County Commissioners shall give preference to recommendations *for such program and its incidents as* made by organized associations of sheep growers in the county. Upon petition of the owners of at least fifty-one percentum (51%) of the sheep in the county, as shown by the assessment rolls of the last *preceding* assessment, *which petition shall be* filed with the Board of County Commissioners on or before the first day of May in any year, such Board shall *establish the predatory animal control program, and* cause said licenses to be secured *and issued* and the fees collected for such year in such amount, *not exceeding the limits of five cents (5c) per head of sheep as shown by said assessment rolls,* as will defray the cost of administering the *program so established. The li-* Predatory animal control program.

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cense fee determined and set by the Board, within said limits, shall remain in full force and effect from year to year without change, unless there is filed with the Board a petition subscribed by the owners of at least fifty-one percent (51%) of the sheep in the county, as shown by the assessment rolls of the last assessment preceding the filing of the petition, for repeal of said license fee in toto and disestablishment of the program, or for an increase in said license fee, subject to the limits herein, or for a decrease in said license fee, in either of which events, the Board of County Commissioners shall fix a new license fee to continue from year to year and that the program shall continue within the limits of the aggregate amount of the license fee as collected from year to year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

CHAPTER 25

An Act to Provide for the Support of the Government of Montana for the Years 1949 and 1950.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies for state purposes for 1949.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1949, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

For state general fund.

(a) For the State General Fund, including the levy for the issue of Four Million Five Hundred Thousand Dollars ($4,500,000.00) State Funding Bonds, authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, two (2) mills, or so much thereof as the State Board of Equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

For university millage fund.

(b) For the University Millage Fund, to provide funds

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for the support of the Greater University, as provided in Referendum Measure Number Fifty-one (51) and passed by vote of the people at the General Election held November 2, 1948, six (6) mills.

For insane hospital funds.

(c) For the State Insane Hospital Bond Interest and Sinking Fund created under Referendum Measure Number Fifty (50) one-half (½) of one (1) mill.

For University of Montana funds.

(d) For the University of Montana Building Bond Interest and Redemption Fund created under Referendum Measure Number Fifty-two (52), one (1) mill.

Tax levies for state purposes for 1950.

Section 2. The following tax levies for State purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1950, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

For state general fund.

(a) For the State General Fund, including the levy for the issue of Four Million Five Hundred Thousand Dollars ($4,500,000.00) State Funding Bonds, authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, two (2) mills or so much thereof as the State Board of Equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

For university millage fund.

(b) For the University Millage Fund, to provide funds for the support of the Greater University, as provided in Referendum Measure Number Fifty-one (51) and passed by a vote of the people at the General Election held November 2, 1948, six (6) mills.

For insane hospital funds.

(c) For the State Insane Hospital Bond Interest and Sinking Fund created under Referendum Measure Number Fifty (50), one-half (½) of one (1) mill.

For university funds.

(d) For the University of Montana Building Bond Interest and Redemption Fund created under Referendum Measure Number Fifty-two (52), one (1) mill.

Separability of act.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

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CHAPTER 26

An Act to Amend Section 5653 of the Revised Codes of Montana, 1935, as Amended by Chapter 66 of the Session Laws of Montana, 1937, and by Chapter 160 of the Session Laws of Montana, 1943, and by Chapter 223 of the Session Laws of Montana, 1947, and Providing for Preference of Veterans and Certain Civilians in Employment in Every Public Department and Upon All Public Works of the State of Montana, and of Any County and City Thereof, and Providing for a Veterans' Credit in Examinations and Defining the Terms of This Act as Used Herein, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5655 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5653 of the Revised Codes of Montana, 1935, as amended by Chapter 66 of the Session Laws of Montana, 1937, and by Chapter 160 of the Session Laws of Montana, 1943, and by Chapter 223 of the Session Laws of Montana, 1947, be and the same is hereby amended to read as follows:

"Section 5653. In every public department, and upon all public works of the State of Montana, and of any county and city thereof, *the following shall be preferred for appointment and employment:*

Persons preferred for public employment.

1. *Veterans, their wives and widows, and dependents of disabled veterans.*

2. *Disabled civilians recommended by the State Rehabilitation Bureau.*

Provided further, that age, loss of limb or other physical impairment which does not in fact incapacitate, shall not be deemed to disqualify the above described veterans or disabled veterans, provided they possess the business capacity, competency and education to discharge the duties of the position involved.

Provided further, that those of the above described veterans who have disabilities admitted by the Veterans Administration of the United States to have been incurred in the service in any of said wars, where said disabilities do

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not in fact incapacitate, shall be given preference before the employment of able bodied veterans.

a. *Definitions:*

1. *The term "veterans of World War II" when used herein, shall be construed to mean men and women who served in the armed forces of the United States between September 16, 1940, and September 2, 1945, and who have been separated from the service under conditions other than dishonorable.* Veterans of World War II.

2. *The word "veterans" shall be construed to mean the afore-defined Veterans of World War II and all men honorably discharged from the armed services after having served in the Civil War, the Spanish American War, the Philippine Insurrection or World War I.* "Veterans."

3. *The word "widows" shall be construed to mean widows who have not remarried.* "Widows."

4. *The word "percentum" shall be construed to mean "percentum of the total aggregate points of the examination".* "Percentum."

b. *When written or oral examinations are required, for employment as above described, disabled veterans and their wives, and widows of veterans shall have added to their examination ratings, a credit of ten percentum (10%) and all other veterans, their wives and dependents shall have added to their examination ratings credit of five percentum (5%). The fact that an applicant has claimed a veteran's credit shall not be made known to the examiners, until ratings of all applicants have been recorded. The credit shall then be added to the examination rating, and the records shall show the examination rating and the veteran's credit.* Examinations — credit added to ratings.

c. *Be it provided*, however, that none of the benefits of this act shall accrue to any person who refused to serve on active duty in the military service to which attached, or to take up arms in the defense of the United States; provided, however, that no persons, not a citizen of the United States, shall be employed by any state, city or county officer in any capacity if competent American labor is available; and, provided, further, that no person who has not been a resident of Montana for at least one (1) year immediately preceding an appointment shall be en- Persons excepted.

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titled to such preference; provided further, that for city or county employment no preference will be granted unless applicant under this Act is also a resident of the city or town or county in which employment is sought. That any person entitled to preference in this Section who has applied for any appointment or employment upon public works of the State of Montana or of any county and city thereof, or in any public department of said State and who has been denied said employment or appointment and feels that the spirit of this Act has been violated and that he is in fact qualified physically, mentally and possesses business capacity, competency and education to discharge the duties of the position applied for, shall have the right to petition by verified petition the district court of the State of Montana in the county in which the work is to be performed, setting forth the facts of his application, qualifications, competency and his honorable discharge or other qualifications warranting him to preference under this Act, and upon the filing of such petition any judge in said court shall forthwith issue an order to show cause to the appointing authority directing said appointing authority to appear in said court at a specified time and place, not less than five (5) nor more than ten (10) days after the filing of said verified petition, to show cause, if any he has, why said veteran or person entitled to preference should not be employed by him and that said district court shall have jurisdiction upon the proper showing to issue its order directing and ordering said appointing authority to comply with this law in giving the preference herein provided.

Remedy of person denied employment.

Court order to show cause.

Final order.

Separability of act.

Section 2. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislative assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1949.

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CHAPTER 27

An Act Prohibiting Endurance Races of More Than Two Miles; Providing a Penalty; and Repealing All Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Endurance races of horses for more than two miles prohibited.

Section 1. It shall be unlawful for any person, firm, corporation, association or organization within the State of Montana to sponsor, promote, conduct, or participate in sponsoring, promoting or conducting any horse race, commonly known as an endurance race, for a distance of more than two (2) miles.

Penalty.

Section 2. Any person, firm, corporation, association, or organization violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250.00) or more than five hundred dollars ($500.00) or by imprisonment in the county jail of not less than ninety days or more than one year.

Repealing clause.

Section 3. All acts and parts of act in conflict herewith are hereby repealed.

Approved February 11, 1949.

CHAPTER 28

An Act to Amend Sections 1, 4, 5, 6, 8 and 12 of Chapter 87 of the Laws of 1937, as Amended by Chapters 202 and 215 of the Laws of 1939, and Chapters 15 and 137 of the Laws of 1945, Relating to the Teachers' Retirement System of the State of Montana; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 87, laws of 1937, as amended, further amended.

Section 1. That Section 1, of Chapter 87, of the Laws of 1937, as amended by Chapter 215 of the Laws of 1939 and by Chapter 137 of the Laws of 1945, be and the same is hereby amended to read as follows:

Definitions.

"Section 1. **Definitions.**

The following words and phrases used in this Act shall

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have the following meanings unless a different meaning is plainly required by the content:

"Retirement System." (1) 'Retirement system' shall mean the teachers' retirement system of the State of Montana provided for in Section 2 of this Act.

"Retirement board." (2) 'Retirement board' shall mean the retirement board provided by Section 3 of this Act to administer the retirement system.

"Employer." (3) 'Employer' shall mean the State of Montana or the board of trustees of any school district employing teachers subject to the provisions of this Act; or other agency of and within the state by which the teacher is paid.

"Teacher." (4) 'Teacher' shall mean any teacher in the public elementary and high schools of the state, and the University of Montana, as constituted in accordance with Section 852, Revised Codes of Montana, 1935, including all kindergarten teachers in the public schools, and shall include any school librarian or physical training teacher, principal, vice-principal, supervisor, superintendent, county superintendent of schools, and any other member of the teaching or professional staff of any public elementary or high school of this State, and any administrative officer or member of the instructional or scientific staff of the University of Montana; provided that no person shall be deemed a teacher within the meaning of this Act who is not so employed for full time outside vacation periods. The word 'teacher' shall also include any person employed in the office of or by the superintendent of public instruction in the performance of duties pertaining to instructional services. In all cases of doubt, the retirement board shall determine whether any person is a teacher as defined in this act.

"Member." (5) 'Member' shall mean any person included in the membership of the system as provided in Section 4 of this Act.

"Service." (6) 'Service' shall mean service as a teacher as described in subsection (4) of this Section and paid for by an employer as described in subsection (3) of this Section.

"Prior service." (7) 'Prior service' shall mean service as a 'teacher' or in a similar capacity outside of the state, rendered prior to the date of establishment of the system, and in case of teachers in the University of Montana rendered prior to

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September 1, 1939, for which credit is allowable as provided in Section (5) of this Act; provided, further, that any teacher, mustered into or serving in the military forces of the United States government during the period of war, shall receive 'prior service credit' for such period of service.

"Membership service."

(8) 'Membership service' shall mean service as a teacher rendered while a member of the retirement system.

"Creditable service."

(9) 'Creditable service' shall mean prior service plus membership as provided in Section 5 of Chapter 87, Laws of Montana, 1937, as amended by this Act and designated herein as Section 3.

"Beneficiary."

(10) 'Beneficiary' shall mean any person in receipt of a pension, annuity, a retirement allowance, or other benefit as provided by this Act.

"Regular interest."

(11) 'Regular interest' shall mean interest at four percentum per annum compounded annually, or at such other rate as may be set by the retirement board in accordance with subsection (2) of section 7 of this act.

"Accumulated contributions."

(12) 'Accumulated contributions' shall mean the sum of all the amounts deducted from the compensation of a member or paid by a member as provided for in subsection (2), of Section 5, of Chapter 87, laws of Montana, 1937, as amended by Section 3, of Chapter 215, of the 26th legislative assembly, and credited to his individual account in the annuity savings fund, together with interest. Regular interest shall be computed and allowed to provide a benefit at the time of retirement. Interest at the rate of three-fourths the regular rate shall be computed and credited to the pension accumulation fund when withdrawn for any other purpose subsequent to July 1, 1945.

"Earnable compensation."

(13) 'Earnable compensation' shall mean the full rate of the compensation, pay or salary that would be payable to a teacher if he worked the full normal working time except that any compensation in excess of *five thousand dollars ($5,000.00)* for the purpose of this system *provided that any teacher who received a salary or compensation in excess of two thousand dollars ($2,000.00) per annum subsequent to July 1, 1945, may use such salary or that portion of it not in excess of five thousand dollars ($5,000.00) as a basis of compensation for the purpose of this system if (a) he contributes five per cent (5%) of the excess of such*

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salary subsequent to July 1, 1945, over two thousand dollars ($2,000.00) and not exceeding five thousand dollars ($5,000.00) to his individual account in the annuity savings fund and (b) he contributes three and one-half per cent (3½%) of the excess of his salary subsequent to July 1, 1945, over two thousand dollars ($2,000.00) and less than five thousand dollars ($5,000.00) to the pension accumulation fund. In cases where compensation includes maintenance, the retirement board shall fix the value of that part of the compensation not paid in money.

"Average final compensation."

(14) 'Average final compensation' shall mean the average annual compensation, pay or salary *on which the 5% contribution has been made* by a member during *any five consecutive* years as a teacher.

"Medical board."

(15) 'Medical board' shall mean the board of physicians provided for in Section 3 of this act.

"Annuity."

(16) 'Annuity' shall mean payments for life derived from the accumulated contributions of a member as provided in this act. All annuities shall be paid in equal monthly installments.

"Pension."

(17) 'Pension' shall mean payments for life derived from money provided by the employer as defined in this act. All pensions shall be paid in equal monthly installments.

"Retirement allowance."

(18) 'Retirement allowance' shall mean the annuity plus the pension.

"Annuity reserve."

(19) 'Annuity reserve' shall mean the present value of all payments to be made on account of a member's annuity granted under the provisions of this act, computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

"Pension reserve."

(20) 'Pension reserve' shall mean the present value of all payments to be made on account of a pension granted under the provisions of this act, computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest.

"Actuarial equivalent."

(21) 'Actuarial equivalent' shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

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(22) 'Former retirement system' shall mean the retirement system established under Sections 1113 to 1132 inclusive, of the Revised Codes of Montana, 1935." "Former retirement system."

Section 2. That Section 4, of Chapter 87, of the laws of 1937 as amended by Chapter 215 of the laws of 1939, and by Chapter 15, laws of 1945, be and the same is hereby amended to read as follows: Sec. 4, Ch. 87, laws of 1937, as amended, further amended.

"Section 4. **Membership.**

(1) The membership of the retirement system shall consist of the following: Membership system.

(a) All persons who were teachers in the public elementary and high schools of the state during the school year nineteen hundred and thirty-six to nineteen hundred and thirty-seven, and who continue to be teachers shall become members as of the date of establishment except that any such teacher may notify the board on or before the thirtieth day of November, nineteen hundred and thirty-seven, in such form as the board may prescribe, that he does not desire to become a member, and in such case the board shall exclude him from the membership. Public school teachers during 1936-'37.

(b) All persons who were teachers in the University of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred and thirty-nine, and who continue to be teachers shall become members as of the first day of September, nineteen hundred and thirty-nine, except that any such teacher may notify the board on or before the thirtieth day of November, nineteen hundred and thirty-nine, in such form as the board may prescribe, that he does not desire to become a member, and in such case the board shall exclude him from the membership. On and after Sept. 1, 1937.

(c) All persons who become teachers or re-enter the teaching service in the public elementary or high schools on or after the first day of September, nineteen hundred and thirty-seven, and all persons who become teachers or re-enter the teaching service in the University of Montana on or after the first day of September, nineteen hundred and thirty-nine, shall become members of the retirement system by virtue of their appointment as teachers. Teacher electing not to become a member.

(d) A teacher in the public elementary or high schools who shall elect not to become a member as provided in Delayed application for membership.

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subdivision (a) of this subsection, may thereafter apply for and be admitted to membership.

Delayed application by teachers in university.

(c) A teacher in the University of Montana who shall elect not to become a member as provided in subdivision (b) of this subsection may thereafter apply for and be admitted to membership.

Membership may be denied certain class of teachers.

(2) The retirement board may in its discretion deny the right to become members to any class of teachers whose compensation is only partly paid by the employer, or who are serving on a temporary or any other than a per annum basis, and it may also in its discretion make optional with members in any such class their individual entrance into membership.

(3) The membership of any person in the retirement system shall cease:

Cessation of membership, causes for.

(a) If he is a member of any other retirement or pension system supported wholly or in part by funds of the United States government, or any agency thereof, or political subdivision thereof and he is receiving credit in such other system for service, it being the purpose of this subsection to prevent a person from receiving credit for the same service in two retirement systems supported wholly or in part by public funds, and no person shall receive both such credits under any circumstances. Any member of the retirement system who, because of his employment, shall be required to become a member of any such other system, shall be considered, solely for the purpose of Section (4) of this act, as permanently separated from state service.

For the purpose of this subsection, teachers who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to some other agency, shall not be considered, because of such receipt, members of any other retirement or pension system.

(b) If he withdraws his accumulated contributions or retires on a pension or dies, but not otherwise, except that the membership of a teacher who has not withdrawn his contributions and who has not had sufficient service to be eligible for disability retirement shall not be cancelled, provided the member shall prove to the satisfaction of the retirement board that absence from service was caused by

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personal illness constituting disability, or service in the armed forces of the United States which includes all members of the army, the navy, the marine corps, and the coast guard, or service in the American Red Cross and merchant marine during time of war, *and provided any member with ten (10) or more years of service, whose service is discontinued otherwise than by death or retirement, shall have the right to elect within six (6) months after such termination of service, and without right of revocation, whether to allow his accumulated contributions to remain in the retirement fund. Upon the qualification for retirement by reason of age or disability of a member who has elected to allow his accumulated contributions to remain in the retirement fund, he shall receive a retirement allowance in accordance with the provisions of the teachers' retirement act.*

Duty of school trustees and chief executive of divisions of the university.

(4) It shall be the duty of each board of school trustees and of the chief executive of each institution, station or division of the University of Montana employing teachers subject to the provisions of this act to submit to the retirement board a statement showing the name, title, compensation, duties, date of birth, and length of service of each teacher employed in such schools and such other information regarding such teachers as the retirement board may require."

Sec. 5, Ch. 87, laws of 1937, as amended, further amended.

Section 3. That Section 5 of Chapter 87, of the laws of 1937, as amended by Chapter 215, of the laws of 1939, be, and the same is hereby amended to read as follows:

"Section 5. **Membership Application and Creditable Service.**

Member to file application with retirement board.

(1) Under such rules and regulations as the retirement board shall adopt, each teacher upon becoming a member shall file with the retirement board an application showing his date of birth, and such other necessary information as the retirement board may require for the proper operation of the retirement system. If a member was a teacher in the public elementary or the high schools during the school year immediately preceding the establishment of the retirement system, and becomes a member before the first day of September, nineteen hundred and thirty-eight, and if a member was a teacher in the University of Montana during the school year nineteen hundred and thirty-eight to nine-

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teen hundred and thirty-nine, and becomes a member before the first day of September, nineteen hundred and forty, he shall itemize on such application all services as a teacher rendered prior to the date of establishment, including service in a similar capacity in other states rendered by him prior to the first day of September, nineteen hundred and thirty-seven, for which he claims credit.

Credit for prior service to teachers in the university.

(2) Any member who was a teacher in the University of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred thirty-nine and becomes a member before the first day of September, nineteen hundred and forty, shall be allowed upon application to the retirement board, credit for prior service for either the school year nineteen hundred and thirty-seven to nineteen hundred thirty-eight or the school year nineteen hundred thirty-eight to nineteen hundred and thirty-nine, or for both of these years, provided (a) that he make application to the retirement board prior to the first day of September, nineteen hundred and forty; and (b) that he was a teacher in the University of Montana during the school year or years for which he makes application for such credit; and (c) that he contributes to the retirement fund an amount equal to the contribution that would have been necessary if he had been a member during the school year or years for which he makes application for such credit; and (d) that he completes the payment of such contribution before the first day of September, nineteen hundred and forty-one. The amount contributed by a member in accordance with this subsection shall be credited to his individual accounts in the annuity savings fund.

Computation of service and average compensation.

(3) The retirement board shall fix and determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in computing such service or in computing average compensation, it shall credit no period of more than a month's duration, during which a member was absent without pay, nor shall more than one year of service be credited for all service in any school year.

Verification of statement of service.

(4) Subject to the above restrictions and to such other rules and regulations as the retirement board shall adopt, said board shall verify as soon as practicable the statement of service submitted.

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(5) Upon verification of the statement of service submitted, the retirement board shall issue to each member who was a teacher in the public elementary or the high schools during the school year immediately preceding the date of establishment of the retirement system and becomes a member before the first day of September, nineteen hundred and thirty-eight, and to each member who was a teacher in the University of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred and thirty-nine, and becomes a member before the first day of September, nineteen hundred and forty, a prior service certificate certifying to the aggregate length of prior service as a teacher and to the aggregate length of such service in a similar capacity outside of the state for which the member is entitled to credit. In such prior service certificate, the member shall be credited up to the nearest number of years and months with all service as a teacher prior to September 1, 1937, and with all service not exceeding ten years in a similar capacity in other states, and with all service for which credit is allowable as provided in subsections (2), *(8) and (9)* of this section.

Prior service certificate.

(6) So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service unless thereafter modified by the retirement board upon application made by the member within one year after the date of issuance or modification of a prior service certificate or upon the discovery by the retirement board of an error or fraud.

Conclusiveness of certificate.

(7) At retirement the creditable service of a member on which his retirement allowance shall be based, shall consist of the membership service rendered by him *as* a member and also if he has a prior service certificate, which is in full force and effect, the service certified on his prior service certificate.

Service as basis of retirement allowance.

(8) *Any teacher who was employed during the school year nineteen hundred forty-eight or who was not continuously absent without pay for a period of more than three years between the years nineteen thirty-seven and nineteen forty-seven may become a member of the retirement system and shall be allowed credit for prior service provided (a) that he made application to the retirement board prior to the thirtieth day of June, 1950; and (b) that he contributes to the retirement fund an amount equal*

Membership and service credit available to certain other teachers.

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to the contribution that would have been necessary if he had been a member during the school year or years for which he makes application for such credit, or if the full amount is not paid then credit shall be given for the years covered by the amount paid. The amount contributed by a member in accordance with this subsection shall be credited to his individual accounts in the annuity savings fund.

Teachers employed in Montana since Sept. 1, 1937 — — out-of-state service credit.

(9) *Any teacher who has become employed as a teacher in Montana subsequent to September first nineteen hundred and thirty-seven may receive credit for service for out-of-state teaching employment provided (a) that he contributes to the retirement fund five per cent (5%) of the salary for each year claimed based on the first year's salary earned in Montana; and (b) that the maximum number of such years shall not exceed ten (10) and that a year out-of-state employment shall be equivalent to one year membership service in Montana, and (c) that payment of such contribution shall be made in a lump sum or in installments as agreed between such teacher and the retirement board."*

Sec. 6, Ch. 87, as amended, further amended.

Section 4. That Section 6, of Chapter 87, of the laws of 1937, as amended by Chapter 137 of the laws of 1945, be, and the same is hereby amended to read as follows:

"6. **Benefits.**

SUPERANNUATION RETIREMENT BENEFIT

Retirement after ten years' service.

(1) (a) Any member in service who has completed *ten* years of creditable service, the last ten years of which shall have been in this state, and who has attained the age of sixty may retire from service, if he files with the retirement board his written application setting forth *the fact of his retirement.*

Involuntary retirement at age of seventy years.

(b) That from and after the passage and approval of this act, any member in service who has attained the age of seventy years, during any school year shall be retired by said retirement board on the first day of September following his or her seventieth birthday.

ALLOWANCE ON SUPERANNUATION RETIREMENT

Allowance on superannuation retirement.

(2) Upon superannuation retirement a member shall receive a superannuation retirement allowance which shall consist of:

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(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) A pension of one-quarter of his average final compensation provided his creditable service is at least thirty-five years, otherwise, a pension of one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of his creditable service, and

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of service certified to him on his prior service certificate.

(d) *The minimum annual retirement allowance for a member who has completed thirty years service and who retired after September 1, 1937, and before June 30, 1949, shall be six hundred dollars ($600), and the minimum retirement allowance for a member who retired after September 1, 1937 and before June 30, 1949, but whose service is less than thirty years shall receive a minimum retirement allowance based on the proportionate amount of six hundred dollars ($600) that his service bears to thirty years of service.*

(e) *The minimum annual retirement allowance for a member who has completed thirty-five years of service and who has attained the age of sixty-five and who retires after June 30, 1949, shall be six hundred dollars ($600).*

DISABILITY RETIREMENT BENEFIT

Disability retirement benefit.

(3) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service in the State of Montana may be retired by the retirement board not less than thirty and not more than ninety days next following the date of filing such application on a disability retirement allowance, provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

ALLOWANCE ON DISABILITY RETIREMENT

(4) Upon retirement for disability a member shall re-

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Allowance on disability retirement.

ceive a superannuation allowance if he is eligible for a superannuation allowance; otherwise he shall receive a disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, and

(b) A pension which, together with his annuity, shall provide a total retirement allowance equal to ninety per centum *(90%)* of one-seventieth *(1/70)* of his average final compensation multiplied by the number of years of his creditable service, if such retirement allowance exceeds one-quarter *(¼)* of his average final compensation; otherwise, a pension which, together with his annuity, shall provide a total retirement allowance equal to one-quarter *(¼)* of his average final compensation, provided, however, that no such allowance shall exceed ninety per centum *(90%)* of one-seventieth *(1/70)* of his average final compensation multiplied by the number of years which would be creditable to him were his service to continue until the attainment of the minimum age for superannuation retirement.

RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY

Re-examination of beneficiaries retired on account of disability.

(5) Once each year during the first five years following the retirement of a member on disability retirement allowance, and once in every three year period thereafter the retirement board may, and upon his application shall, require a disability beneficiary who has not yet attained the age of sixty to undergo a medical examination by the medical board or a physician or physicians designated by the medical board, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one medical examination in any year by the medical board, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the retirement board.

Pension reduced by amount earnable.

(6) Should the medical board report and certify to the retirement board that any disability beneficiary is engaged

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in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the retirement board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which when added to the amount earnable by the beneficiary, together with his annuity equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system while receiving a reduced benefit.

Beneficiary restored to active service.

(7) Should a disability beneficiary under age sixty be restored to active service at a compensation not less than his average final compensation his retirement allowance shall cease; he shall again become a member of the retirement system and contribute thereto. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect and in addition upon his subsequent retirement he shall be credited with all his service as a member, and should he be restored to active service on or after the attainment of the age of fifty-five years, his pension upon subsequent retirement shall not exceed the pension that he would have received had he remained in service during the period of his previous retirement nor the sum of the pension which he was receiving immediately prior to his last restoration to service and the pension that he would have received on account of his service since his last restoration had he entered service at that time as a new entrant.

Restoration to service, when allowance shall cease.

(8) (a) A member who withdraws from service or ceases to be a teacher for any cause other than death or retirement shall be paid only the amount contributed by the member to his annuity savings account after first deducting any unpaid annual membership fees of said member.

Contributions returnable upon withdrawal from service.

(b) Should a member die before retirement only the amount of the member's contributions to his annuity sav-

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Contributions payable to estate of deceased member.

ings fund account after deducting any unpaid annual membership fees shall be paid to his estate or such person as he shall have nominated by written designation duly executed and filed with the retirement board.

OPTIONAL BENEFITS

Member may elect as to plan for receiving benefits.

(9) With the provision that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of his death; until the first payment on account of any benefit becomes normally due, any member may elect to receive his benefit in a retirement allowance payable throughout life as hereinabove provided, or he may on retirement elect to receive the actuarial equivalent at that time of his retirements allowance in a lesser retirement allowance payable throughout life with the provision that:

Balance of contributions payable to legal representative.

Option 1. If he dies before he has received in payment of his annuity the amount of his accumulated contributions as they were at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board; or

Reduced retirement allowance payable to nominee.

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

One-half to nominee.

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

Other benefits.

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement, provided such other benefit or benefits, together with the lesser retirement allowance shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the retirement board."

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Section 5. That Section 8, of Chapter 87, of the laws of 1937, as amended by Chapter 202 of the laws of 1939, and by Chapter 137, of the laws of 1945, be, and the same is hereby amended to read as follows:

Sec. 8, Ch. 87, laws of 1937, as amended, further amended.

"Section 8. **Method of Financing.** There are hereby created and established an 'annuity savings fund' and 'annuity reserve fund', a 'pension accumulation fund', a 'pension reserve fund' and an 'expense fund', into which funds all of the assets of the retirement system shall be credited according to the purpose for which they are held as hereinafter prescribed.

Funds created.

ANNUITY SAVINGS FUND

(1) The annuity savings fund shall be a fund in which shall be accumulated the contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made in the following manner:

Annuity savings fund.

(a) Each employer shall deduct from the compensation of each member on each and every payroll of such member for each and every payroll period subsequent to the date on which such member became a member an amount equal to five per centum *(5%)* of such member's earnable compensation, but no employer shall make any deductions for annuity purposes from the compensation of a member who has attained the age of sixty and rendered thirty-five years of creditable service if such a member elects not to contribute.

Amount deductible from compensation by employer.

(b) In determining the amount earnable by a member in a payroll period, the retirement board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions, it may modify the deductions required of any member by such an amount as shall not exceed one-tenth *(1/10)* of one per centum *(1%)* of the annual compensation upon the basis of which said deduction is to be made.

Determination of amount earnable.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided

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Payment of salary less deductions discharges claim for services rendered.

for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt in full for his salary or compensation; and payment of salary or compensation less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment except as to the benefits provided by this act.

Default in state's contributions.

(d) Notwithstanding the preceding provision, no deduction shall be made from any member's salary on account of which the state's contributions on his account are in default.

Member may redeposit withdrawn contributions.

(e) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the retirement board, any member may redeposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom as provided in this act, or any part thereof; or any member may

Deposits for additional annuity.

deposit therein by a single payment or by an increased rate of contribution amounts for the purchase of an additional annuity, but such additional payments shall not exceed the amounts computed to provide with his prospective retirement allowance a total retirement allowance of one-half of his average final compensation at the minimum age at which the member will become eligible for superannuation retirement. Such additional amounts so deposited shall become a part of his accumulated contributions, except in the case of disability retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The accumulated contributions of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death as provided in this act, shall be paid from the annuity savings fund, and an amount equivalent to the difference between the accumulated contributions calculated at regular interest and the amount paid shall be transferred to the expense fund. Upon the retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund.

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ANNUITY RESERVE FUND

Annuity reserve fund.

(2) The annuity reserve fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this act. Should a beneficiary retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein.

PENSION ACCUMULATION FUND

Pension accumulation fund.

(3) The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and from which pensions and benefits in lieu thereof shall be paid to or on account of beneficiaries credited with prior service. Contributions to and payments from the pension accumulation fund shall be made as follows:

Employer to pay into pension accumulation fund.

(a) Each and every employer shall pay into the pension accumulation fund an amount equal to three and one-half per centum (3½%) of the earnable compensation of each member employed during the whole or such part of the preceding payroll period as such member was so employed by such employer; provided, however, that no payments shall be made into said pension accumulation fund until after July 1, 1945. Provided, further, until such time as the legislative assembly shall provide adequate funds for the establishment of such reserves as are set up in this act, such parts of such act as deal with reserves to be built up by contributions from the state shall be inoperative.

Appropriation by school trustees.

(b) The board of trustees of every school district maintaining an elementary school, or schools, the board of trustees of every school district maintaining a high school, and the board of trustees of every county high school shall, in the respective budgets for such schools, make and provide an appropriation for such payments to the pension accumulation fund.

Special levy, not required, when.

(c) When the total amount required for the elementary school budget of any district, including the amount to be paid into the pension accumulation fund will not require

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a levy against the property in the district in excess of ten (10) mills, no special or additional levy shall be made but the whole amount shall be paid out of the receipts from the levy authorized by Section 1203, Revised Codes of Montana, 1935.

Special tax levy to be made, when.

(d) When the total amount required for the elementary school budget for any district, including the amount to be paid into the pension accumulation fund, will require a levy more than ten (10) mills, a special levy against the taxable property in the district must be made in such number of mills as will raise the total amount for the payment to the pension accumulation fund, without being authorized at any election.

County-wide tax levy for amount to be paid by high schools.

(e) The total amount to be paid by each high school within each county to the pension accumulation fund shall be raised by a county-wide tax levy, and the county commissioners, except as hereinafter provided, shall make a county-wide levy of such number of mills as will raise such total amount; provided that the amount budgeted for payment to the pension accumulation fund in any high school budget shall not be deemed or considered as a part of or as included within the maximums for high school budgets as fixed and determined by Section 1263.5, Revised Codes of Montana, 1935, as amended, and the county-wide high school levy herein provided for shall not be deemed or construed as a part of the county-wide high school levy authorized by Section 1263.11, Revised Codes of Montana, 1935, as amended, unless the trustees making such budget so desire and the board of county commissioners find that such levy is not required to raise the amount necessary for such budget for all purposes including the payment to the pension accumulation fund.

Appropriation to be made for payments on the part of the state.

(f) The legislative assembly shall, in its appropriation for the maintenance and operation of the office of the state superintendent of public instruction, the state orphans home, the Montana state training school, the Montana state deaf and blind school, the state vocational school for girls, and the Montana state industrial school, include and provide appropriations in such an amount as will be sufficient to make such payments into such pension accumulation fund as may be required by reason and on account of such state superintendent of public instruction and such employees of such office and institutions as may be members.

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Appropriation for payments on account of teachers of university.

(g) The legislative assembly shall, in its appropriations for the maintenance and operation of the University of Montana, and its several departments and schools, include and provide appropriations in such an amount as will be sufficient to make such payments into the pension accumulation fund as may be required by reason or on account of such teachers of such university, and its several schools and departments, as may be members; provided that all such appropriations shall be made from the university millage fund or appropriations made by the legislature.

County shall budget for payments on account of county superintendent and employees in that office.

(h) The board of county commissioners of each county shall, in the budget covering appropriations for the maintenance and operation of the office of county superintendent of schools, include and provide such an amount as will be sufficient to make such payments into such pension accumulation fund as may be required by reason and on account of such county superintendent and such other employees of such office as may be members.

(i) On the basis of regular interest and of such mortality and other tables as shall be adopted by the retirement board, the actuary engaged by the retirement board to make each valuation required by this act during the period over which the deficiency contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which if contributed on the basis of the compensation of such member throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable by the state on his account. The rate per centum so determined shall be known as the 'normal contribution' rate. After the deficiency contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable salary of all members obtained by deducting from the total liabilities of the pension accumulation fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum *(1%)* of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the retirement board and on the basis of regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

Normal contribution rate.

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(j) Immediately succeeding the first valuation the actuary engaged by the retirement board shall compute the rate per centum of the total annual compensation of all members which is equivalent to four per centum *(4%)* of the amount of the total pension liability on account of all members and beneficiaries not dischargeable by the present assets of the pension accumulation fund and the aforesaid normal contribution if made on account of such members during the remainder of their active service. The rate per centum, originally so determined, shall be known as the 'deficiency contribution'. Provided such rates shall not go into effect until the year 1939-40.

Deficiency contribution.

Amount payable by state.

(k) The total amount payable annually by the State of Montana into the pension accumulation fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the deficiency contribution rate of the total compensation earnable by all members during the preceding school year, provided, however, that the amount of each annual deficiency contribution shall be at least three per centum *(3%)* greater than the preceding annual deficiency payment, and that the aggregate payment into the pension accumulation fund shall be sufficient, when combined with the amount in the pension accumulation fund, to provide the pensions payable out of the fund during the current year.

Discontinuance of deficiency contribution.

(l) The deficiency contribution shall be discontinued as soon as the accumulated reserve in the pension accumulation fund shall equal the present value, as actuarially computed and approved by the retirement board, of the total liability of such fund less the present value, computed on the basis of the normal contributions to be received on account of teachers who are at that time members.

Interest and dividends earned.

(m) All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund and the amounts required to allow regular interest on the annuity savings fund, the annuity reserve fund and the pension reserve fund shall be transferred to the respective funds from the pension accumulation fund.

Pensions payable from what fund.

(n) All pensions and benefits in lieu thereof, including pensions payable under Section 12, with the exception of those payable to members not entitled to prior service credit shall be paid from the pension accumulation fund.

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Moneys in certain funds to be paid into pension accumulation fund.

(o) All moneys and securities to the credit of the public school teachers' retirement salary fund and the public school teachers' permanent fund on the first day of September, nineteen hundred and thirty-seven, shall be paid by the state treasurer into the pension accumulation fund.

Transfers to and from pension reserve fund.

(p) The retirement board may in its discretion transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the reserve creditable to the annuity reserve fund or the pension reserve fund, as shown by actuarial valuation, and also such expenses as hereinafter provided.

Transfer upon retirement of new entrant.

(q) Upon the retirement of a new entrant, an amount equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund.

PENSION RESERVE FUND

Pension reserve fund.

(4) The pension reserve fund shall be the fund in which shall be held the reserves on all pensions granted to members not entitled to prior service credit and from which shall be paid such pensions and benefits in lieu thereof. Should a member not entitled to prior service credit who has been retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the pension reserve held on account of his pension shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension of such a disability beneficiary be reduced as a result of an increase in his earning capacity the amount of annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction.

Transfer of pension reserve from that fund to pension accumulation fund.

EXPENSE FUND

Expense fund.

(5) The expense fund shall be the fund to which shall be credited all moneys contributed for the administrative expenses of the retirement system and from which the expenses of administration of the retirement system shall be paid exclusive of amounts payable as retirement allowance and as other benefits provided herein. Contributions shall be made to the expense fund as follows:

(a) The retirement board shall determine annually the amount required to defray such expense in the ensuing

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Deduction by employers for expense fund.

fiscal year. There shall be deducted from the compensation of each member by the several employers the sum of one dollar for each year, in addition to all other deductions herein provided, which sum shall be transmitted to the retirement board in the same manner as herein provided for the transmission of other member contributions, and such sums so deducted shall become a part of and be charged to, said expense fund, and shall not become a part of the members' accumulated contributions.

Transfer to expense fund.

(b) The amount equivalent to the difference between the accumulated contributions calculated at regular interest and the amount paid at withdrawal or death shall be transferred to the expense fund.

Expense payable by employers.

(c) The expense not payable by contributions of members and amounts transferred from the annuity savings fund as provided under paragraph (b) of this subsection shall be paid by *the employers at a rate fixed by the retirement board not in excess of one per centum (1%) of the earnable compensation of the members for whom the employers make contributions as herein provided.*"

Sec. 12, Ch. 87, laws of 1937 amended.

Section 6. That Section 12, of Chapter 87, of the laws of 1937, be, and the same is hereby amended to read as follows:

"Section 12. **Provision for Discontinuing Former Retirement System.**

Discontinuance of former system.

(1) On and after the first day of September, 1937, no further retirements shall be made under the provisions of the law governing the former retirement system and no benefits shall be paid either from the public school teachers' retirement salary fund, or from the public school teachers' permanent fund as established under such law, except as hereinafter described.

Assets to be transferred to pension accumulation fund.

(2) All assets held in the funds maintained under said law on the first day of September, 1937, shall be transferred to the pension accumulation fund of the retirement system to be held in trust and invested as a trust fund and disbursed only in payment of benefits to those teachers on whose account they were contributed.

(3) Upon the transfer of such trust funds, the retirement salaries of all persons entitled to retirement salaries

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from the former retirement system on September first, 1937, shall be paid beginning as of September 1, 1937, from such trust fund.

Existing retirement salaries payable from pension accumulation fund.

(4) Any such person who having retired upon a retirement allowance under said former retirement system, shall have retired after having served as a teacher for at least *twenty-five* school years, fifteen of which, including the last ten years, shall have been in the schools of this state, and who shall elect under the next preceding subdivision of this section to receive his interest in said public school teachers' retirement salary fund and said public school teachers' permanent fund in the form of an annuity, shall be entitled, while he shall remain retired, to receive and be paid from the said pension accumulation fund an annual allowance which, together with his said annuity, shall equal the sum of $600.00. Any other person retired upon such allowance who shall elect to receive his interest in said funds in the form of an annuity shall, upon reaching the age of sixty years, be entitled, while he shall remain retired, to receive and be paid from the said pension accumulation fund an annual allowance, which together with his said annuity, shall equal a sum which shall be that proportion of $600.00 which the number of school years which he shall have served as a teacher, and credited under the former retirement system bears to *twenty-five.*

Adjustment as to persons retired under former system.

(5) The retirement board of the teachers' retirement system of the State of Montana shall employ an actuary to value the liabilities to be assumed by the pension accumulation fund of the retirement system as of the first day of September, 1937, on account of the payment of the retirement salaries of all persons entitled thereto under the former retirement system as provided under subsection (2) of this section. The actuary so employed shall be an actuary also approved by the retirement salary fund board of the former retirement system. If such valuation shows that the amount held in trust in the pension accumulation fund for the payment of these retirement salaries is less than the amount required to continue such payments to the persons so retired the deficiency contribution rate payable by the state as provided under subsection (3) of section 8 of this act shall be increased in order to provide future contributions which shall be sufficient with the funds held in trust to provide such payments. If the valua-

Actuary to value liabilities to be assumed by pension accumulation fund.

Condition for increase of state's deficiency contribution.

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Condition for refunding to contributors amount of excess.

tion shows that the amount held in trust is in excess of the amount required to continue such payments to the persons so retired, then the amount of the excess shall be paid pro rata to the active teachers who were contributors under the provisions of the former retirement act in ratio to the amounts contributed under the provisions of the former retirement act."

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Separability of act.

Section 8. If any section, subdivision, paragraph, sentence, clause, or part of this act is declared to be unconstitutional, the remainder of this act shall not thereby be invalidated.

Approved February 11, 1949.

CHAPTER 29

An Act to Create the Montana State Disaster Council; Defining its Powers and Duties; and Providing for Duties of Certain State Governmental Agencies in Case of Disaster.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. This act is designated, "the Montana disaster relief act."

Montana state disaster council created.

Section 2. (a) There is hereby created a council to be known as the Montana state disaster council, which shall consist of the adjutant general of Montana; the supervisor of the Montana state highway patrol; the Montana state fire marshal; the executive secretary of the state board of health; and one representative of each of the following organizations:

Members, appointment and term of.

The American Red Cross
The American Legion
The Veterans of Foreign Wars

Such representatives shall be appointed by the governor upon recommendation of the respective organizations, within sixty (60) days after the approval of this act, and shall serve without compensation. Of the three members first appointed, one shall be appointed for a term of two (2) years,

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one for three (3) years and one for four (4) years, and until their successors shall have been appointed. Upon the expiration of the term of any of the three members so first appointed, his successor shall be appointed for four (4) years and shall serve until his successor shall have been appointed. All appointive members shall be removable by the governor for cause at any time.

Duties of the council.

(b) The council shall act in an advisory capacity to the governor in times of disaster, and shall be responsible for the development and preparation of a state disaster preparedness plan to be approved by the governor. It shall cooperate with and assist municipalities and counties in the preparation and establishment of local disaster plans, and shall adopt such rules and regulations and take such other steps as may be necessary to carry out the provisions of this act.

Chairman and duties of.

(c) The adjutant general shall be the chairman of said council, and shall call a meeting thereof within thirty (30) days after the appointments to said council have been made, for the purpose of organizing said council, the election of a secretary and the adoption of rules and regulations deemed necessary to enable said council to carry out the provisions of this act.

Council to direct state agencies.

(d) The council shall direct state disaster relief activities through the state agencies hereinafter enumerated, which agencies are required, when notified by the governor that an emergency exists, to perform such duties as the council may direct. Such duties shall include, but are not limited to, the duties herein enumerated.

Duty of national guard.

1. The Montana national guard will coordinate and direct the work of all supporting state governmental agencies; direct and supervise the evacuation of refugees from threatened areas, control all traffic, protect property, and enforce laws. In addition, and in cooperation with the American Red Cross, it will assist in rescue and first aid activities.

Duty of highway patrol.

2. The Montana state highway patrol will police the devastated area or areas and establish short wave radio communications. It will also assist the national guard in the evacuation of refugees, control of traffic and enforcement of laws.

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Duty of board of health.

3. The Montana state board of health will be responsible for the health and sanitation of refugees during evacuation and while in temporary shelter. It will also cooperate with local medical agencies in the detection and identification of diseases and in the testing and purification of water supplies, and in matters pertaining to the proper disposal of sewage and garbage.

Highway department.

4. The Montana state highway department will inspect and maintain all roads and bridges adjacent to the affected area or areas.

Department of public welfare.

5. The Montana department of public welfare will cooperate with the American Red Cross by giving individuals and families needed assistance wherever possible.

Department of fish and game.

6. The Montana department of fish and game will make all its personnel and facilities available to the state adjutant general.

Facilities and equipment available.

Section 3. All facilities and equipment under the control of the above-mentioned state agencies will be available for use, as may be required, in disaster relief activities, upon requisition by the governor through the state adjutant general.

"Disaster"—meaning of.

Section 4. The word, "disaster", as used herein shall mean catastrophes of all types which shall endanger any community in the state, or the lives or property of the inhabitants thereof, and shall include storms, floods, explosions, earthquakes, epidemics and fires. No emergency or disaster will be deemed to exist until so declared by a proclamation of the governor. Upon the issuance of such proclamation, the Montana disaster preparedness plan will become immediately effective, and shall be carried out by the agencies enumerated herein.

Order of utilization of agencies.

Section 5. Any such proclamation by the governor shall contemplate utilization of agencies in the following sequence:

First: Governing bodies of towns and cities:
County authorities
Local Red Cross chapter
Local civilian organizations

Second: The state government:
The American Red Cross (national)
Statewide civilian organizations

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Third: United States army:
Headquarters sixth army
U. S. district engineers
U. S. air force

Section 6. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 11, 1949.

CHAPTER 30

An Act to Change the Name of Montana State Normal College to Western Montana College of Education, and the Name of Eastern Montana State Normal School to Eastern Montana College of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Hereafter, the Montana state normal college at Dillon will be known and designated as the western Montana college of education, and the eastern Montana state normal school at Billings will be known and designated as the eastern Montana college of education. Normal Schools at Dillon and Billings, designation of changed.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1949.

CHAPTER 31

An Act to Amend Section 3761, of the Revised Codes of Montana, 1935, as Amended by Section 28 of Chapter 224, Laws of the Thirtieth Legislative Assembly, 1947, Relating to the Creation of Game Preserves, Boundaries, Provisions Thereof, Eliminating the Provisions Creating the Snow Creek Game Preserve; and Penalties for Violation of the Provisions of This Act; and to Repeal Sections 3762, 3766, 3776.15 of the Revised Codes of Montana, 1935, Also Relating to Game Preserves.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3761, of the Revised Codes of

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Sec. 3761, R. C. Mont., 1935, as amended, further amended.

Montana, 1935, as amended by Section 28, of Chapter 224, laws of the thirtieth legislative assembly, 1947, be, and the same is hereby amended to read as follows:

Game preserves created.

"Section 3761. **Creations of Game Preserves — Boundaries — Provisions** *Thereof — Penalties for Violation of the Provisions of This Act.* There are hereby created, for the better protection of all the game animals and birds within the limits thereof, game preserves within the State of Montana, and more particularly hereinafter described as to their exterior limits *by Sections 3763, 3764, 3765, 3767, 3768, 3769, 3771, 3773, 3776.3, and 3776.14, Revised Codes of Montana, 1935;* except as hereinafter provided no person shall, within the limits of any game preserve within the State of Montana whether such preserve is created by the legislature or by the fish and game commission, hunt for, trap, capture, kill, or take, or cause to be hunted for, trapped or killed, any game animals or fur-bearing animals or birds of any kind whatever within the limits of said preserve, or carry or discharge any firearms, or create any unusual disturbance tending to or which may frighten or drive away any of the game animals or birds therein, or chase the same with dogs or hounds in said preserve; provided that the commission may declare that any preserve shall be open to the trapping of fur-bearing animals during the regular open season.

Taking or killing of game, fur bearing animals and birds within preserves forbidden.

Permits may be issued, for what purposes.

Permits to capture animals or birds for the purpose of propagation or for scientific purposes or to trap fur-bearing animals or to destroy mountain lions, wolves, foxes, coyotes, wildcats, lynx, or other predatory animals or birds or for carrying firearms, may be issued by the state game warden, upon the payment of such fee and in accordance with such regulations as may be established for said preserve by the state fish and game commission. Any person violating any of the provisions of this section or any other law of Montana relating to game preserves, shall be guilty of a misdemeanor and shall be punishable as provided by Section 3706, Revised Codes of Montana, 1935."

Penalty.

Repealing clause.

Section 2. That Section 3762, 3766, 3776.15, of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

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Section 3. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 11, 1949.

CHAPTER 32

An Act to Amend Sections 3685 and 3685.3, Revised Codes of Montana, 1935, as Amended by Chapter 174 of the Laws of the Twenty-sixth Legislative Assembly, 1939, and as Amended by Chapter 215 of the Thirtieth Legislative Assembly, 1947, Relating to the Classes of Licenses for Hunting and Taking Game and Fish and Fur-bearing Animals Within the State of Montana; the Fees and Powers Under Such Licenses; Providing Rules for Determining Residence for the Purpose of Issuing Resident Hunting and Fishing Licenses; Providing the Penalty for Violation of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 3685 and 3685.3 of the Revised Codes of Montana, 1935, as amended by Chapter 174 of the laws of the twenty-sixth legislative assembly, 1939, as amended by Chapter 215 of the laws of the thirtieth legislative assembly, 1947, be, and the same are hereby amended to read as follows: Sections 3685 and 3685.3, R. C. 1935, as amended, further amended.

"Section 3685. **Fees and Powers Under Licenses — Tagging of Carcasses.** *Any* resident *citizen* of the State of Montana shall pay to the officer or person countersigning and issuing the license the sum of three dollars ($3.00) as a license fee, and shall obtain a license of class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this act. Class A license and fee.

Said *resident citizen who is the holder of a class A license* shall pay to the officer or person countersigning and issuing the license the sum of two dollars ($2.00) and shall obtain a license of class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess any of the game animals of this state as authorized by this act. Class AA license and fee.

Any citizen of the United States who has continuously

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Persons eligible to purchase license.

resided in this state at least six (6) months immediately preceding his application for a hunting or a fishing license shall be eligible to purchase resident hunting or fishing license.

Persons in military service.

Officers, soldiers and sailors of the United States army, navy, air forces, marine or coast guard, who are assigned to duty in Montana, and after a period of thirty (30) days of residence within Montana upon presenting assignment orders emanating from the proper unit commander, shall be considered residents for the purpose of this act. The thirty (30) day resident requirement is waived in time of war.

Place of residence, rules for determining.

In determining the place of residence for the purpose of issuing hunting and fishing licenses, the following rules are to be observed:

1. The state in which a person last registered for voting and in which he is entitled to vote shall be deemed his place of residence.

2. The place where a man's family resides is presumed his place of residence.

3. A person must not be considered to have gained a residence in this state into which he comes for a temporary purpose and from which he returns to his fixed place of habitation.

4. A person must not be held to have lost his residence by reason of prolonged absence while employed in any service of the United States or of this state.

5. Any person in possession of first citizenship papers only, shall not be considered a resident citizen of the State of Montana.

6. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning, except that if a person removes to another state with the intention of remaining for an indefinite time as a place of residence, he loses his residence in this state notwithstanding he entertains an intention of returning at some future time.

Said applicant, if a non-resident of the state or a resident citizen for less than six (6) months immediately preceding

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his application for a license shall pay to the officer countersigning and issuing the license the sum of ten dollars ($10.00) as a license fee, and shall obtain a class B license, which shall entitle the holder to fish with hook and line or rod in hand, as authorized by this act; and such non-resident, on like application and on the payment of the sum of twenty-five dollars ($25.00) as a license fee, shall obtain a class B-1 license, which shall entitle him to pursue, hunt, shoot, kill, capture, and take game birds as authorized by this act; and such non-resident, on like application and on the payment of the sum of one hundred dollars ($100.00) as a license fee, shall obtain a license of class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this act.

Class B, B-1 and B-2 licenses and fees.

To every license, whether issued to a resident or non-resident, which authorizes the licensee to kill elk, deer, *moose or antelope* in this state, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the state fish and game commission, and when any person shall take or kill any deer, elk, *moose or antelope* under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals the proper tag, coupon or other marker, *completely filled out with the name of the license holder, address, date the animal was killed, the place the animal was killed, and any other information requested,* which tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. *Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally taken game animal and* when the proper tag, coupon or other marker is attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to transport the same accompanies the shipment. *Whenever any person who shall kill any deer, elk, moose, or antelope by authority of any license issued for the killing of such game animal, shall fail or neglect to fill out and attach the tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope, or portions thereof, said person shall be guilty of a misdemeanor and upon con-*

Licensee to attach tags to carcasses of deer, elk, moose and antelope.

Penalty.

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viction thereof shall be punished as provided for in Section 3706, of the Revised Codes of Montana, 1935.

Class D license and fee.

The applicant for a class D or trapper's license, must be in possession of *a* class A license, and upon the payment of ten dollars ($10.00), shall receive and obtain a class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the state at such times and in such manner as may be lawful so to do under the laws of this state and the regulations of the fish and game commission, and at such places as may be designated in said license."

Class BB license and fee.

"Section 3685.3. **License Fee — Rights Under License — Term.** *Any non-resident* of the State of Montana, *may* pay to the officer or person countersigning and issuing such license the sum of two dollars and fifty cents ($2.50) as a license fee and shall obtain a license of class BB, which shall entitle the holder to fish with hook and line or rod in hand, as authorized and limited by law, for a period of three (3) days from and after the date of issuance of such license."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1949.

CHAPTER 33

An Act to Amend Sections 350.1, 351, 354.1, 360, 361, Revised Codes of Montana, 1935, Relating to State Hail Insurance; Maximum Insurance Allowed; Limitation of Tax Levies and Application Thereof; Foreclosure of Liens; Appointment of Appraisers; Payment of Losses; and Other Matters Pertaining to Hail Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 350.1 R. C. Mont. 1935 amended.

Section 1. That Section 350.1 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Maximum insurance.

"Section 350.1. **Maximum Insurance.** No more than ten dollars ($10.00) insurance shall be written on each acre of grain, *which is on non-irrigated land, and not more*

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than twenty dollars ($20.00) per acre on irrigated land. When more than one party desires hail insurance each shall be entitled to the share of the maximum represented by his interest in the crop. Either party may insure his share in the crop for any amount up to and including the maximum per acre if the others waive their right to insure."

Sec. 351 R. C. Mont. 1935 amended.

Section 2. That Section 351 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Tax for hail insurance.

"Section 351. **Tax for Hail Insurance — Limitation on Levy — Liens, Effect of — Mortgages — Levies, When Payable — Hail Insurance Districts — Rates.** A tax is hereby authorized and directed to be levied on all lands in this state growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this act. The state board of hail insurance shall annually estimate as near as may be possible, the amount required to pay all losses, interest on warrants and costs of administration, and shall recommend a levy to be made on each kind of land respectively, subject to the provisions of this act, to the state board of equalization. *The rates recommended to apply on the lands of owners shall be applied in the same proportions to the crops of those insured on a personal assessment basis. It is hereby* provided, however, that such tax shall not exceed in any one (1) year the sum of one dollar ($1.00) per acre on lands sown to grain crops *on non-irrigated lands and the sum of two dollars ($2.00) per acre on irrigated lands, nor shall it exceed* fifty cents (50c) per acre on lands sown to hay crops; and provided further, that if the tax required to pay the estimated losses, interest on warrants and costs of administration be less than fifty cents (50c) per acre on lands sown to grain crops *on non-irrigated lands and one dollar ($1.00) per acre on irrigated lands,* and a proportionate amount on lands sown to hay crops, the said board of hail insurance must recommend a tax levy sufficient to raise the full amount thereof. In addition to the lien created above on the land of the insured, the levy for such hail insurance shall also constitute a lien on the crops insured with the exception that the said crop lien shall not apply to owners of unencumbered land, or on the land or crops of those who pay cash for hail insurance. The applications of these shall not be filed with the county clerk and recorder as provided for in Section 350.2 *of this act.*

Limitation on levy.

Liens on lands and crops.

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The crop lien mentioned above shall be included in all applications for hail insurance and shall be enforced, as provided in Section 354 and 354.1 *of this act,* against all insured, except those owning unencumbered land or those who have paid cash for hail insurance.

The said board of equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this act, in accordance with the recommendation of the state board of hail insurance. Such tax levies respectively shall be chargeable to the lands of each taxpayer who shall elect to become subject to this act and shall be extended on the tax roll and collected by the officers charged with such duties in the manner and form as are other property taxes and if not paid shall be a lien on the lands against which the same are levied as are other property taxes. Provided, however, that the lien as provided above shall in no way affect mortgages that are of record at the time of the approval of this act. The lien of any mortgage filed subsequent to the passage and approval of this act shall be subsequent to any lien for hail insurance hereafter levied thereon. All applicants securing hail insurance on crop liens as heretofore provided shall be subject to the same charges per acre as provided herein to be made on land. Notice of such assessment shall be mailed to each person insured, by the county treasurer in the same manner as are all other notices of taxes due. Said assessment shall be payable at the office of the county treasurers of each respective county. All insurance levies whether levied against land or in the form of special assessments secured by crop liens, shall be payable in full and not in semi-annual payments, on or before November 30th of each year in which such levies are made.

Lien, and priority as to mortgages.

Levies, when payable.

The state board of hail insurance may when they deem it advisable establish as many districts as it deems advisable and may maintain maximum rates in various parts of the state which rates shall be commensurate with the risk incurred as nearly as they can determine from past experiences or from any records available. The highest of these rates shall be the same as the maximum established herein and the lowest shall not be less than *forty cents (40c)* per acre on lands sown to grain crops, and a proportionate amount on lands sown to hay crops. Notice of the various

Districts.

Rates.

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rates established for any year shall be plainly printed on the application for hail insurance, and in any year when the requirements of the hail insurance law as herein provided do not require a levy of the maximum rates as established, then the rates for the year shall be determined and levied by the state board of hail insurance for each of the various districts as established, in such proportions as will in their judgment be fair and equitable."

Sec. 354.1 R. C. Mont. 1935 amended.

Section 3. That Section 354.1 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 354.1. **Foreclosure of Lien.** If the person receiving hail insurance secured by a crop lien fails to pay said insurance to the county treasurer by *December 1st of* the year in which the crop so insured is grown the county treasurer shall, *on that day or as soon as possible thereafter,* deliver to the sheriff of said county a full, true and correct copy of the lien on file in the office of the clerk and recorder and such sheriff must immediately demand from the person or persons signing such lien, payment of the amount due thereon, and if the same is not paid to the sheriff upon such demand being made, the sheriff must forthwith seize and sell in the manner provided by law for the sale of personal property under execution, a sufficient amount of grain belonging to such person to pay the amount due for hail insurance together with interest and costs and expenses of seizure and sale."

Foreclosure of lien.

Sec. 360 R. C. Mont., 1935 amended.

Section 4. That Section 360 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 360. **Appointment of Appraisers in Case of Dissatisfaction With Official Adjustment.** In case the party that has sustained the loss is dissatisfied with and refuses to accept the adjustment made by the official appraiser then he shall have the right to appeal to the state board of hail insurance, provided however, he shall make such appeal by registered mail within four (4) days after such disagreement. *Also it is further provided that the state board of hail insurance may require the posting of a cash bond of ten dollars ($10.00) with the request for reappraisal of the first adjustment. In cases where the board requires the posting of the ten dollar ($10.00) bond, the*

Appeal by insured.

Cash bond.

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board may retain it for the hail insurance fund if no increase is allowed. If an increase is obtained, the board will return the bond to the claimant. In case the adjuster who makes the second appraisal fails to secure an agreement the claimant shall then appoint one disinterested person as appraiser, and the official appraiser shall appoint another person as appraiser, and the two shall select a third disinterested person and the three shall then proceed to adjust the loss in the same manner as specified in Section 359 and the judgment of the majority shall be the judgment of said appraisers and shall be binding upon both parties as the final determination of said loss; provided, however, that if the insured does not recover a greater sum than allowed by the official appraiser in the first instance, he shall pay the expenses of the said three appraisers and their witnesses in making said adjustment, but if he is awarded a larger sum then the same shall be paid by the state board of hail insurance out of the hail insurance fund.

Final adjustment by three appraisers.

If the insured shall be required to pay the expenses of such re-appraisement as above provided, the state board of hail insurance is hereby authorized to deduct the amount of such expenses from the amount allowed said insured before making settlement for said loss.

Provided, also, that where any claimant demands arbitration he shall, if required by the board, furnish a cash bond to the state board of hail insurance in the sum of *twenty five dollars ($25.00)* which shall accompany his application. If there is not sufficient allowance made to any claimant after arbitration to cover the cost of arbitration without the use of the *twenty five dollar ($25.00) bond,* then the state board may use a part or all of said cash bond. Any forfeits so collected shall be placed promptly in the state hail insurance *administrative* fund. In cases where the claimant secures an increase the bond shall be promptly returned to the claimant.

Cash bond by claimant demanding arbitration.

The state board of hail insurance shall examine all reports of appraisers and verify the same, and adjust all losses, and for such purposes may order hearings, subpoena witnesses and conduct examinations and do all things necessary to secure a fair and impartial appraisement of losses by hail."

Duty and authority of board.

Section 5. That Section 361 of the Revised Codes of

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Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 361 R. C. Mont. 1935 amended.

"Section 361. **Payment of Losses.** The state board of hail insurance shall, as soon as practicable after the loss has been sustained, arrange for the payment of the losses as follows: From the amount of the loss as adjusted for each claimant the state board of hail insurance shall deduct the amount the claimant then owes as delinquent hail insurance tax and the maximum amount assessed as hail insurance tax for the current year, and shall make settlement within forty (40) days from the time loss is sustained in the following manner: By paying, either by registered warrant or otherwise if funds are immediately available, fifty per cent of the total loss as agreed on, less, however, the maximum rate of the assessment; balance to be paid at the expiration of the hail season. The state board of hail insurance shall, on or before November first, order the state auditor to draw a warrant for the amount so deducted on the state hail insurance fund, which warrant shall be remitted to the county treasurer of the county in which the tax was assessed. The state board of hail insurance shall then order the state auditor to draw a warrant on the state hail insurance fund for the balance of the adjustment which warrant shall be sent to the claimant; provided, however, that in no case shall the payment for loss exceed ten dollars ($10.00) per acre for grain crops *on non-irrigated land and twenty dollars ($20.00) per acre on irrigated land, and not to exceed* five dollars ($5.00) per acre for hay crops; provided, further, that no claimant shall receive payment for any loss incurred where said loss does not *equal or* exceed five per cent (5%) of the total value of the crop insured. Also if the losses in any year should exceed the current levy plus the reserve fund, if any, then the payment of all losses shall be prorated share and share alike among all grain growers having loss claims adjusted and approved, and the unpaid balance of said losses shall be paid out of the reserve fund without interest in such order as the state board of hail insurance shall direct, when in the judgment of the said board there are in said fund sufficient moneys to provide for the payment of the same and other items payable out of said funds. In any year the state board of hail insurance may by resolution authorize its chairman and secretary to borrow as needed from any person, bank or corporation such sum or sums of money

Payment of losses.

Board authorized to borrow money.

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as the state board may deem necessary to carry on the business of the department and for the purpose of paying all warrants as issued. For any moneys borrowed under the provisions of this act, the state board of hail insurance shall cause warrants to be drawn against the state hail insurance fund and said warrants shall bear interest at not to exceed six per cent (6%) per annum, and the said warrants and the interest thereon shall be paid out of funds from the state hail insurance department as they are collected from the various counties in the state. The state board of hail insurance shall not at any time borrow a total sum greater than the amount of levies as made for taxes for the current year together with such delinquent taxes as remain unpaid on the books of the county treasurer. The state board of examiners is hereby empowered to invest surplus money belonging to any fund in the warrants of the hail insurance fund."

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1949.

CHAPTER 34

An Act to Amend Section 2295.14, Revised Codes of Montana, 1935, Relating to State Income Tax Returns.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2295.14 R. C. Mont., 1935 amended.

Section 1. That Section 2295.14, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Persons required to make returns.

"Section 2295.14. **Persons Required to Make Returns — When Deductions Not Allowed Non-resident.** Every person having a net income for the taxable year of one thousand dollars ($1000.00) or over, if single or if married, and not living with or supporting a husband or wife or family, or of two thousand dollars ($2000.00) or over if married and living with husband or wife, or if he is the head of a family, or a gross income for the taxable year of twenty-five hundred dollars ($2500.00) or over, regardless of the amount of his net income, shall make a

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return stating specifically the items of his gross income and the deductions and credits allowed by this act. If a husband and wife living together have an aggregate net income of two thousand five hundred dollars ($2500.00) or over, or an aggregate gross income for such year of three thousand dollars ($3000.00) or over, each shall make such a return, or the income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

If any such person is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such persons. A person other than a resident shall not be entitled to the deductions authorized by Section 2295.8, unless he shall make, under oath, a complete return of his gross income both within and without this state."

When deductions not allowed non-resident.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1949.

CHAPTER 35

An Act Relating to and Regulating Mausoleums and Columbariums and the Interment of Dead Human Remains Therein, Regulating Crematories in Connection With Mausoleums and Columbariums, Providing for and Regulating Endowment Care Funds for Mausoleums and Columbariums, and Providing Penalties for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be known as the "mausoleum-columbarium act", and, for the purposes of this act, certain words used herein shall have the meanings as defined in Sections 2 to 19 hereof, inclusive.

Title of act.

Definitions.

Section 2. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.

"Human remains."

Section 3. "Cremated remains" means human remains after cremation in a crematory.

"Cremated remains."

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"Mausoleum." Section 4. "Mausoleum" means a permanent building or outdoor structure suitable for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated for interment purposes.

"Columbarium" Section 5. "Columbarium" means a structure, room, or other space in a permanent building or outdoor structure containing niches for permanent inurnment of cremated remains in a place used, or intended to be used, and

"Urn garden." dedicated for interment purposes. "Urn garden" means a permanent outdoor structure containing niches of stone or reinforced concrete suitable for and used, or intended to be used, for inurnment of cremated remains, in a place used, or intended to be used, and dedicated for internment purposes. Wherever the context shall permit "urn garden" shall be deemed to be included in "columbarium."

"Mausoleum-columbarium." Section 6. "Mausoleum-columbarium" means a building or structure containing both a mausoleum and a columbarium.

"Crematory." Section 7. "Crematory" means a building or structure containing one or more retorts for the reduction of bodies of deceased persons to cremated remains.

"Interment." Section 8. "Interment" means the disposition of human remains by cremation and inurnment, or entombment in a place used, or intended to be used, and dedicated for

"Interment space." interment purposes. "Interment space" means any space in a crypt, vault or niche of sufficient size for the entombment or inurnment of the remains of one human being.

"Cremation." Section 9. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory.

"Inurnment." Section 10. "Inurnment" means placing cremated remains in an urn or other permanent container and placing it in a niche.

"Entombment." Section 11. "Entombment" means the placement of human remains in a crypt or vault.

"Crypt or vault." Section 12. "Crypt" or "vault" means a space in a mausoleum of sufficient size used, or intended to be used, to entomb the uncremated human remains.

"Niche." Section 13. "Niche" means a space in a columbarium or urn garden used, or intended to be used, for inurnment of cremated human remains.

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"Temporary receiving vault."

Section 14. "Temporary receiving vault" means a vault used, or intended to be used, for the temporary placement of human remains.

"Mausoleum-columbarium authority."

Section 15. "Mausoleum-columbarium authority" means any corporation, whether for profit or not for profit, owning, controlling or operating lands, buildings or structures used, or intended to be used, and dedicated for interment purposes by entombment or inurnment, but shall not refer to any corporation for profit or not for profit, or any association, corporation sole, or other person owning or controlling cemetery lands or property including mausoleums and/or columbariums where interment is also made by ground burial.

"Mausoleum business."

Section 16. "Mausoleum business", "columbarium business", and "mausoleum-columbarium business or purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a mausoleum, columbarium, or mausoleum-columbarium, interring human remains therein, and the care, preservation and embellishment of such property.

"Directors or governing body."

Section 17. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a mausoleum-columbarium authority.

"Plot or interment plot."

Section 18. "Plot", or "interment plot" means space in a mausoleum or columbarium used, or intended to be used, for the interment of human remains. Such terms include and apply to one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

"Plot owner." "Owner." "Proprietor."

Section 19. "Plot owner", or "owner", or "proprietor" means any person in whose name an interment plot stands of record as owner in the office of a mausoleum-columbarium authority.

Unlawful removal of human remains.

Section 20. Every person who removes any part of any human remains from any place where it has been interred in a mausoleum or columbarium, or from any place where it is deposited while awaiting interment in a mausoleum or columbarium, with intent to sell it, or to dissect it, without authority of law, or from malice or wantonness, shall be punished by imprisonment in the state penitentiary for not more than five (5) years, or by a fine of not more than one thousand dollars ($1,000.00), or by both.

Penalty.

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Unlawful mutilation or disinterment.

Penalty.

Section 21. Every person who mutilates, disinters, or removes from the place of interment in a mausoleum or columbarium any human remains without authority of law, shall be punished by imprisonment in the state penitentiary for not more than three (3) years, or by a fine of not more than one thousand dollars ($1,000.00), or by both.

Unlawful arrest or detention of human remains.

Section 22. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a high misdemeanor.

Right to control disposition and duty of interment of human remains.

Section 23. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

(a) The surviving spouse.
(b) The surviving children of the decedent.
(c) The surviving parents of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent hereinbefore mentioned in the same degree of kindred and upon the estate of the decedent.

Liability of person signing authorization for interment or cremation.

Section 24. Any person signing any authorization for the interment or cremation of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred or cremated, and his authority to order interments or cremation. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Authorization for interment or cremation.

Section 25. The mausoleum-columbarium authority may inter or cremate any remains upon the receipt of a written authorization of a person representing himself to be a person who has acquired the right to control the disposition of the remains. A mausoleum-columbarium authority is not liable for interring or cremating pursuant to such authorization, unless it has actual notice that such representation is untrue.

Limitation of actions against mausoleum-columbarium authorities.

Section 26. No action shall lie against any mausoleum-columbarium authority relating to the remains of any person which have been left in its possession for a period

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of two (2) years, unless a written contract has been entered into with the mausoleum-columbarium authority for their care or unless permanent interment has been made. Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a mausoleum-columbarium authority in the State of Montana.

Liability of licensed funeral directors, termination of.

Section 27. The remains of a deceased person may be removed from a plot in a mausoleum or columbarium with the consent of the mausoleum-columbarium authority and the written consent of one (1) of the following in the order named:

Authorization for removal of remains of deceased person.

(a) The surviving spouse.
(b) The surviving children of the decedent.
(c) The surviving parents of the decedent.
(d) The surviving brothers or sisters of the decedent.

If the required consent cannot be obtained, permission by the district court in the county where the mausoleum or columbarium is situated is sufficient, provided that the permission shall not violate the terms of a written contract or the rules and regulations of the mausoleum-columbarium authority.

Permission by district court.

Section 28. Notice of application to the court for such permission shall be given, at least ten (10) days prior thereto, personally, or at least fifteen (15) days prior thereto if by mail, to the mausoleum-columbarium authority and to the persons not consenting, and to every other person on whom service of notice may be required by the court.

Notice of application to district court for permission.

Section 29. Sections 27 and 28 of this act do not apply to or prohibit the removal of any remains from one plot to another in the same dedicated area, owned or operated by the same mausoleum-columbarium authority, from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

Application of sections 27 and 28 of act.

Section 30. Every person is guilty of a high misdemeanor who unlawfully or without right wilfully does any of the following:

Acts which constitute misdemeanors.

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(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes any crypt, niche, monument, memorial or marker in a mausoleum or columbarium, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a crypt or niche or any other property in a mausoleum or columbarium.

(b) Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within a mausoleum or columbarium or within the limits of any grounds within which such mausoleum or columbarium is located.

(c) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a mausoleum or columbarium, or funeral establishment, or engaged in a funeral service, or an interment.

Civil liability.

Section 31. Any person violating any provision of Section 30 of this act is liable, in a civil action by and in the name of the mausoleum-columbarium authority to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

Application of Sec. 30 of act.

Section 32. The provisions of Section 30 of this act do not apply to the removal or unavoidable breakage or injury, by a mausoleum-columbarium authority of anything placed in or upon any portion of its mausoleum or columbarium, or the grounds within which the same are situated, in violation of any of the rules or regulations of the mausoleum-columbarium authority, nor to the removal of anything placed in said mausoleum or columbarium or the grounds within which the same are situated, by or with the consent of the mausoleum-columbarium authority which has become in a wrecked, unsightly or dilapidated condition.

Records to be kept by mausoleum-columbarium authorities.

Section 33. The mausoleum-columbarium authority in charge of any mausoleum or columbarium in which interments or cremations are made, shall keep a record of all remains interred or cremated on the premises under its charge, in each case stating the name of each deceased person, date of cremation or interment, and name and address of the funeral director.

Record of ownership of plots.

Section 34. A record shall be kept of the ownership of all plots in the mausoleum and columbarium which have

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been conveyed by the mausoleum-columbarium authority, and of all transfers of plots therein. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the mausoleum-columbarium authority.

Records open to inspection.

Section 35. The records shall be open to inspection during the customary office hours of the mausoleum-columbarium authority.

Mausoleum-columbarium business, who may not engage in.

Section 36. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a mausoleum-columbarium within this state except by means of a corporation duly organized for that purpose.

Corporations authorized to conduct mausoleums, columbariums or crematories.

Section 37. Any private corporation organized under the laws of the State of Montana and authorized by its articles so to do, may establish, maintain, manage, improve or operate a mausoleum, columbarium or crematory, or any combination thereof, and conduct any or all of the businesses of a mausoleum-columbarium and crematory either for or without profit to its members or stockholders. The governing board of any mausoleum-columbarium authority shall have not less than seven members.

Cemetery corporations not affected.

Section 38. The provisions of this act do not affect the corporate existence, or rights or powers of any cemetery corporation organized under any law of the State of Montana in which a mausoleum, columbarium, or crematory, or combination thereof, shall be situated, maintained or operated in conjunction with a cemetery for the burial of dead human remains by ground interment. This act and all its provisions shall be applicable to and only to mausoleums and/or columbariums owned, operated or controlled by a mausoleum-columbarium authority organized and governed as herein provided, and owning, controlling or operating lands, buildings, structures, etc., solely for the entombment and inurnment of human remains.

Application of act limited.

Existing corporations.

Section 39. The powers, privileges and duties conferred and imposed upon any corporation existing and doing business under the laws of the state are hereby enlarged as each particular case may require to conform to the provisions of this act.

Powers of mausoleum-columbarium authorities.

Section 40. A mausoleum-columbarium authority may make, adopt, amend, add to, revise or modify, and enforce

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rules and regulations, for the use, care, control, management, restriction and protection of all or any part of its mausoleum, columbarium or crematory, and for the other purposes specified in Sections 41 to 49, inclusive, of this act.

Section 41. It may restrict and limit the use of all property within its mausoleum, columbarium or crematory.

Section 42. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the mausoleum-columbarium.

Section 43. It may regulate or prohibit the erection of monuments, markers, effigies, and structures within any portion of the mausoleum-columbarium or the grounds within which they may be situated.

Section 44. It may regulate or prevent the introduction or care of plants or shrubs within the mausoleum-columbarium or the grounds within which they may be situated.

Section 45. It may prevent interment in any part of the mausoleum or columbarium of human remains not entitled to interment, and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations.

Section 46. It may regulate the conduct of persons and prevent improper assemblages in the mausoleum-columbarium or on the grounds within which the same are situated.

Other rules and regulations.

Section 47. It may make and enforce rules and regulations for all other purposes deemed necessary by the mausoleum-columbarium authority for the proper conduct of the business of the mausoleum, columbarium or crematory, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans and ideals on which the mausoleum, columbarium or crematory is conducted.

Rules and regulations to be printed or typed and maintained subject to inspection.

Section 48. The rules and regulations made pursuant to Section 47 of this act, shall be plainly printed or typewritten and maintained subject to inspection in the office of the mausoleum-columbarium authority or in such place or places within the mausoleum or columbarium as the mausoleum-columbarium authority may prescribe.

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Sexton or person in charge given police authority for certain purposes.

Section 49. The sexton, superintendent or other person in charge of a mausoleum-columbarium, and such other person as the mausoleum-columbarium authority designates has the authority of a police officer for the purpose of maintaining order, enforcing the rules and regulations of the mausoleum-columbarium authority, the laws of the state, and the ordinances of the city or county, within the mausoleum-columbarium over which he has charge, and within such radius as may be necessary to protect the mausoleum-columbarium or crematory property.

Crematory, construction of, requirements.

Section 50. No crematory shall hereafter be constructed or established by a mausoleum-columbarium authority unless the crematory is of fireproof construction and there is in connection therewith either a fireproof columbarium or a fireproof mausoleum, amply equipped at all times for the interment of remains of bodies cremated at the crematory and a fireproof room for temporary care of cremated remains. Nothing herein contained shall prevent existing crematories from being repaired, altered or reconstructed. Nothing in this act shall prohibit the cremation of human remains in existing crematories or the temporary storage of cremated remains.

Records required in respect to cremation.

Section 51. No crematory operated by a mausoleum-columbarium authority shall hereafter cremate the remains of any human body without making a permanent signed record of the color, shape and outside covering of the casket consumed with such body, said record to be open to inspection of any person lawfully entitled thereto.

Criminal liability.

Section 52. Each person violating any provision of Section 51 of this act shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

General power of mausoleum-columbarium authorities.

Section 53. Unless otherwise limited by the law under which created, mausoleum-columbarium authorities, whether for profit or not for profit, shall in the conduct of their business, have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitations of general laws as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property. A mausoleum-columbarium authority shall have power to carry on, in connection with its mausoleum-columbarium business, and either on the dedicated premises or separately, any business

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incidental to the burial, or preparation for burial, of dead human bodies.

Mortgages and liens upon property dedicated as a mausoleum-columbarium are subject to such dedication.

Section 54. All mortgages, deeds of trust and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a mausoleum-columbarium pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed or lien, dedicated to the mausoleum-columbarium purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust, or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosures are subject and subordinate to the dedication for mausoleum-columbarium purposes.

Acquisition of property.

Section 55. Mausoleum-columbarium authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories and columbariums within which the interment of the dead may be authorized by law.

Map of property required for interment purposes.

Section 56. Every mausoleum-columbarium authority, from time to time as its property may be required for interment purposes, shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, outdoor mausoleums, urn gardens and other divisions with descriptive names or numbers.

Map to be filed and dedication to be recorded in county recorder's office.

Section 57. The mausoleum-columbarium authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The mausoleum-columbarium authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to interment purposes.

Dedicated property

Section 58. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all purposes and thereafter the property and all mausoleums and columbariums constructed thereon and burial plots located therein, shall be held, occupied, and used exclusively for interment purposes, and shall be exempt from all state, county and municipal taxes to the same extent as cemetery property intended to be used for the burial of the human dead by ground interment.

Tax exemption.

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Resurvey and amendment of map.

Section 59. Any part or subdivision of the property so mapped and plotted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person.

Filed map and recorded declaration as constructive notice.

Section 60. The filed map or plat and the recorded declaration are constructive notice to all persons of the property to interment purposes.

Neither dedication nor title of a plot owner affected by dissolution of mausoleum-columbarium authority or other specified contingencies.

Section 61. After property is dedicated to interment purposes pursuant to Section 56 to 60, inclusive, of this act, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the mausoleum-columbarium authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this act.

Effect of dedication to interment purposes.

Section 62. Dedication to interment purposes pursuant to this act is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.

No street, railroad or other utility across dedicated property to be laid out, except on conditions provided.

Section 63. After dedication pursuant to this act, and as long as the property remains dedicated to interment purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the mausoleum columbarium authority owning and operating it, or of not less than two-thirds of the owners of interment plots therein.

Sale and conveyance of interment plots.

Section 64. After filing the map or plat and recording the declaration of dedication, a mausoleum-columbarium authority may sell and convey interment plots subject to such rules and regulations as may be then in effect or thereafter adopted by the mausoleum-columbarium authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot.

Indivisibility of plots sold as separate plots.

Section 65. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate

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plot, are indivisible except with the consent of the mausoleum-columbarium authority, or as provided by law.

Conveyances, by whom signed.

Section 66. All conveyances made by a mausoleum-columbarium authority shall be signed by such officer or officers as are authorized by the mausoleum-columbarium authority.

Sale of plot upon promise of resale at profit constitutes misdemeanor.

Section 67. It shall be unlawful for any person, firm or corporation to sell or offer to sell a mausoleum-columbarium plot upon the promise, representation or inducement of resale at a financial profit. Each person violating this section shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

Commission or bonus for sale of plot or services forbidden.

Section 68. It shall be unlawful for a mausoleum-columbarium authority to pay or offer to pay to any person, firm or corporation, directly or indirectly, a commission or bonus or rebate or other thing of value for the sale of a plot or services. This shall not apply to a person regularly employed by the mausoleum-columbarium authority or to any bona fide agent of the authority previously appointed for such purpose. Each person violating this section shall be guilty of a misdemeanor and each violation shall constitute a separate offense.

Commission or bonus for recommending disposal of dead human body in any crematory, mausoleum or columbarium forbidden.

Section 69. Every person who pays or causes to be paid or offers to pay to any other person, firm, or corporation, directly or indirectly, except as provided in Section 68, any commission or bonus or rebate, or other thing of value in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or columbarium, is guilty of a misdemeanor and each violation shall constitute a separate offense.

Property dedicated to interment purposes must be exclusively so used.

Section 70. Property dedicated to interment purposes shall be held and used exclusively for interment purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the district court in the county in which the property is situated, in a proceeding brought by the mausoleum-columbarium authority for that purpose and upon notice of hearing and proof satisfactory to the court:

Proof required for court order removing dedication.

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

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(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

Notice of hearing.

Section 71. The notice of hearing provided in Section 70 shall be given by publication once a week for at least three (3) consecutive weeks in a newspaper of general circulation in the county where said mausoleum or columbarium is located, and the posting of copies of the notice in three (3) conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall:

(a) Describe the portion of the mausoleum or columbarium property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the mausoleum or columbarium property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

Section 72. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

Right of spouse of owner of plot containing more than one interment space.

Section 73. The spouse of an owner of any plot containing more than one (1) interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if an interment space therein not subject to the vested right of interment for previous spouses is unoccupied at the time such person becomes the spouse of the owner.

Right of spouse, how divested.

Section 74. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

Descent of unused plot upon death of individual owner.

Section 75. If no interment is made in a plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred therein are lawfully removed, the plot descends, upon the death of the owner, to his heirs-at-law subject to the rights

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of interment of the decedent and his surviving spouse, unless he has disposed of the plot either in his will by specific devise or by a written declaration filed and recorded in the office of the mausoleum-columbarium authority.

Inheritance tax exemption.

Section 76. Mausoleum or columbarium property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

Affidavit as authorization for permit use of plot upon death of owner.

Section 77. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to Section 72 to 75, inclusive, of this act, is a complete authorization to the mausoleum-columbarium authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

Right of joint tenant title to plot.

Section 78. In a conveyance to two (2) or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

Title of surviving joint tenants.

Section 79. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

Affidavit as authority for permission to use of plot by surviving joint tenants.

Section 80. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one (1) joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the mausoleum-columbarium authority operating the mausoleum-columbarium in which the plot is located, is a complete authorization to the mausoleum-columbarium authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

Representative of several co-owners of plot.

Section 81. When there are several owners of a plot, or of rights of interment in it, they may designate one (1) or more persons to represent the plot and file written notice of such designation with the mausoleum-columbarium authority. In the absence of such notice or of written objection to its so doing, the mausoleum-columbarium authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

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Inalienable family plot of owner.

Section 82. Whenever the remains of the record owner or of a member of his family or of a relative of a member of his family have been interred in a plot transferred by deed or certificate of ownership to an individual owner and the owner shall have died without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the mausoleum-columbarium authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

Allocation of crypts, niches and spaces in a family plot.

Section 83. In a family plot one (1) crypt or one (1) niche or interment space therein may be used for the owner's interment; one (1) for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

Right of interment when no parent or child survives record owner.

Section 84. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs-at-law of the owner or the spouse of any heir-at-law.

Right of interment, waiver of.

Section 85. Any surviving spouse, parent, child, or heir having a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of the deceased owner, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Waiver and termination of right of interment.

Section 86. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom it is vested.

Priority of vested rights of interment.

Section 87. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the mausoleum-columbarium authority controlling the operation of the mausoleum or columbarium in which the interment space is located.

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Conveyance of plot by owner to mausoleum-columbarium authority for interment of designated persons.

Section 88. A mausoleum-columbarium authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

Endowment and special care funds of mausoleum-columbarium authorities.

Section 89. Every mausoleum-columbarium authority which now or hereafter maintains a mausoleum or columbarium may place its mausoleum or columbarium under endowment care and establish, maintain, and operate an irreducible endowment care fund. Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds may be held in the name of the mausoleum-columbarium authority or its directors or in the name of the trustees appointed by the mausoleum-columbarium authority.

Funds for endowment to remain irreducible.

Section 90. The principal of all funds for endowment care shall forever remain irreducible and inviolable and shall be maintained separate and distinct from all other funds.

Investment of principal of funds and use of earned income.

Section 91. The principal of all funds for endowment care shall be invested, from time to time reinvested, and kept invested and the income earned shall be used solely for the general care, maintenance, and embellishment of the mausoleum or columbarium or both, and the grounds in which they are situated, and shall be applied in such manner as the mausoleum-columbarium authority may from time to time determine to be for the best interest of the mausoleum-columbarium.

Charges for care, maintenance and embellishment of mausoleum-columbariums.

Section 92. The mausoleum-columbarium authority may from time to time adopt plans for the general care, maintenance, and embellishment of its mausoleum-columbarium, and charge and collect from all subsequent purchasers of plots such reasonable sums as, in the judgment of the mausoleum-columbarium authority, will aggregate a fund, the reasonable income from which will provide reasonable care, maintenance and embellishment.

Section 93. Upon payment of the purchase price and the amount fixed as a proportionate contribution for en-

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dowment care, there may be included in the deed of conveyance, or in a separate instrument, an agreement to care, in accordance with the plan adopted, for the mausoleum or columbarium and its appurtenances to the proportionate extent that the income received by the mausoleum-columbarium authority from the contribution will permit.

Agreement to care for mausoleum or columbarium upon payment of purchase price and amount of endowment care.

Section 94. Upon the application of the owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for endowment care, a mausoleum-columbarium authority may enter into an agreement with him for the care of his plot and its appurtenances.

Agreement for care of plot upon application of owner.

Section 95. The mausoleum-columbarium authority may appoint a board of trustees of not less than five (5) in number for its endowment care fund. The members of the board of trustees shall hold office subject to the discretion of the mausoleum-columbarium authority.

Trustees for endowment care fund.

Section 96. The directors of a mausoleum-columbarium authority, if any, may be constituted as the trustees of its endowment care fund. When the fund is in the care of the directors as a board of trustees the secretary of the mausoleum-columbarium authority shall act as secretary of the board of trustees and keep a true record of all of its proceedings. The investments of the endowment care fund may be held in the name of the mausoleum-columbarium authority.

Directors as trustees of endowment care fund.

Section 97. In lieu of the appointment of a board of trustees of its endowment care fund, any mausoleum-columbarium authority may appoint as sole trustee of its endowment care fund any bank or trust company qualified to engage in the trust business in the State of Montana, and such bank or trust company shall be authorized to receive and accept said fund, and all accretions thereto, including any accumulated endowment care fund in existence at the time of its appointment.

Bank or trust company as sole trustee of endowment care fund.

Section 98. No sum in excess of five per cent (5%) of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee, provided that if five per cent (5%) of such income divided by the number of trustees shall be less than one hundred dollars ($100.00) each trustee shall, nevertheless be entitled to receive a minimum of one hun-

Compensation of trustees.

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dred dollars ($100.00) per year for his services as such trustee.

Annual reports of financial condition of endowment care fund to be filed with district court.

Section 99. The mausoleum-columbarium authority or the persons in whose names the endowment care funds are held shall, annually, and within ninety (90) days after the end of the calendar or fiscal year of the mausoleum-columbarium authority, make and file with the district court in the county in which the mausoleum-columbarium is located, a true and correct written report, verified on oath by an officer of the mausoleum-columbarium authority or by the oath of one or more of the trustees, showing the actual financial condition of the endowment care funds.

Contributions to endowment care fund.

Section 100. A mausoleum-columbarium authority which has established an endowment care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

Contributions to endowment care fund permitted as for charitable and eleemosynary purposes.

Section 101. The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty from the persons contributing to the persons interred and to be interred in the mausoleum-columbarium and a provision for the benefit and protection of the public by preserving and keeping mausoleum-columbariums from becoming unkept and places of reproach and desolation in the communities in which they are situated.

Validity of contributions.

No payment, gift, grant, bequest, or other contribution for general endowment care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the trust, nor is the fund or any contribution to it invalid as violating any law against perpetuities, or the suspension of the power of alienation of title to property.

Endowment care mausoleum-columbarium defined.

Section 102. An endowment care mausoleum-columbarium is one which shall hereafter deposit in its endowment care fund not less than the following amounts for plots sold or disposed of:

(a) Five dollars ($5.00) for each niche.

(b) Fifteen dollars ($15.00) for each crypt.

The deposit shall be made not later than the twentieth

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(20th) day of the month following the final payment on the purchase price of the plot.

Nonendowment care mausoleum-columbarium.

Section 103. A nonendowment care mausoleum-columbarium is one that does not deposit in an endowment care fund the minimum specified in Section 102.

Notice to be posted by mausoleum-columbarium authority operating an endowment care mausoleum or columbarium.

Section 104. Each mausoleum - columbarium authority operating an endowment care mausoleum or columbarium shall post in a conspicuous place in its office or offices where sales are conducted and in a conspicuous place at or near the entrance of the mausoleum or columbarium or its administration building and readily accessible to the public, a legible sign with the following phrase: "This is an endowment care property."

Annual written report to be available to plot owners.

Section 105. Each mausoleum - columbarium authority operating an endowment care mausoleum or columbarium shall file in its principal office a written report which shall be available to any plot owner and which shall contain as of the close of its last fiscal year:

(a) Amount of principal of the endowment care fund.

(b) Total amount invested in bonds, securities or other investments authorized by law and the total amount of cash on hand not invested which shall actually show the financial condition of the trust.

Revision and verification of report.

Section 106. All the information appearing on the report filed in the mausoleum-columbarium authority office shall be revised annually and verified by the president and secretary, or two (2) officers authorized by the mausoleum-columbarium authority.

Notice to be posted in case of non-endowment mausoleum or columbarium.

Section 107. Each mausoleum - columbarium authority operating a nonendowment care mausoleum or columbarium shall post in a conspicuous place in its office or offices where sales are conducted and in a conspicuous place at or near the entrance of the mausoleum or columbarium or its administration building and readily accessible to the public, a legible sign with the following phrase: "This is not an endowment care property." This phrase likewise shall be printed or stamped at the head of all contracts, certificates of ownership or deeds.

Section 108. Any corporation or its agents or represen-

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Violation of provisions of sections 102 to 107 constitute misdemeanor.

tatives who shall violate any of the provisions of Section 102 to 107, inclusive, or make any false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

Securities in which endowment care funds may be invested.

Section 109. The endowment care funds shall be invested, reinvested and kept invested in securities which are legal investments for trust funds under the laws of the State of Montana, in improved income-producing real estate in the State of Montana, or in first mortgages or deeds of trust on improved income-producing real estate in the State of Montana not exceeding in amount sixty per cent (60%) of the appraised value of such real estate at the time such mortgage or deed of trust is created or at the time such mortgage or deed of trust is purchased by the trustees.

Mausoleum-columbarium authorities having established endowment care may take and hold property given in trust.

Section 110. A mausoleum-columbarium authority which has established endowment care may also take and hold any property bequeathed, granted or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

(a) Improvement or embellishment of all or any part of the mausoleum or columbarium or any plot in it.

(b) Planting or cultivation of trees, shrubs, or plants in or around any part of the grounds in which the mausoleum-columbarium is situated.

(c) Special care or ornamenting of any part of any plot, section, corridor or other portion of the mausoleum-columbarium.

(d) Any purpose or use not inconsistent with the purpose for which the mausoleum-columbarium was established or is maintained.

Sums paid or contributed permitted as and for a charitable and eleemosynary purpose.

Section 111. The sums paid in or contributed to the fund authorized by this act are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the mausoleum-columbarium and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping mausoleums and columbariums from becoming unkept and

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place of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Validity of payments and contributions.

Section 112. No director or officer of the mausoleum-columbarium authority or trustee of the endowment care or special care funds shall borrow any endowment care or special care funds of the corporation for himself, directly or indirectly.

Directors and officers prohibited from borrowing endowment or special care funds.

Section 113. Any person, firm or corporation heretofore operating a mausoleum or columbarium which shall become subject to this act and who shall have collected endowment care funds to be used in connection therewith shall, within ninety (90) days after such mausoleum or columbarium becomes subject to this act, deliver to the trustees of the endowment care fund of the mausoleum-columbarium authority in control of such mausoleum or columbarium, all such endowment care funds theretofore collected or received by it and upon such delivery such person, firm or corporation shall be relieved of all further responsibility in connection therewith.

Operators becoming subject to act and having care funds, duty of in respect to such funds.

Section 114. The office of any director or officer who acts or permits action contrary to this act immediately thereupon becomes vacant.

Office of director or officer vacated by his violation of act.

Section 115. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

Authorizing or receiving a loan by director or officer, a misdemeanor.

Section 116. A building not erected for, or which is not used as, a place of interment of human remains which is converted or altered for such use by a mausoleum-columbarium authority is subject to this act.

Converted buildings, when subject to act.

Section 117. No building or structure intended to be used for the interment of human remains shall be constructed, and a building not used for the interment of human remains shall not be altered for use or used for interment purposes, unless constructed of such material

Requirements as to buildings to be used for interment of human remains.

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and workmanship as will insure its durability and permanence as dictated and determined at the time by modern mausoleum construction and engineering science.

Fireproof construction.

Section 118. All mausoleums or columbariums hereafter constructed shall be of class "A" fireproof construction.

Construction ordinances of cities.

Section 119. If the proposed site is within the jurisdiction of a city having ordinances and specifications governing class "A" construction, the provisions of the local ordinances and specifications shall not be violated.

Liability of violator of act.

Section 120. Every person who violates any provision of this act is guilty of a misdemeanor, and in addition is liable for all costs, expenses, and disbursements paid or incurred by a person prosecuting the case.

Erection of mausoleum or columbarium in violation of act, penalty for.

Section 121. Every owner or operator of a mausoleum or columbarium erected in violation of this act is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000.00) or by imprisonment in a county jail for not less than one (1) month nor more than six (6) months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred in prosecuting the case. The costs, expenses and disbursements shall be fixed by the court having jurisdiction of the case.

Application of act, exceptions.

Section 122. The provisions of this act relating to private mausoleums and columbariums do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, corporation sole administering temporalities of any church or religious society or denomination, or any cemetery, mausoleum or columbarium organized, controlled, and operated by any of them.

(b) Any county, town or city cemetery, mausoleum or columbarium.

(c) Provided, however, that no condition or section or provision of this act shall or may be so construed or interpreted as to apply to any act or in any way pertain to or effect any Montana mausoleum corporation now in existence, operating under Montana charter dated prior to the year 1920 A. D.

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Separability of act.

Section 123. If any section, subdivision, sentence or clause of this act shall be held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this act.

Approved February 14, 1949.

CHAPTER 36

An Act to Amend Section 3308.1 Revised Codes of Montana, 1935, Providing for the Filing of Notice of Chattel Mortgages Upon Livestock in the Office of the General Recorder of Marks and Brands; Providing for Furnishing Lists of Said Notices of Mortgages to All Stock Inspectors Providing for the Prescribing of Forms for the Livestock Commission and to Provide That No Livestock Market Shall Be Held Liable to Any Mortgagee Who Fails to Record His Notice of Mortgage With the Recorder of Marks and Brands for Money Paid to the Mortgagor.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3308.1 R. C. Mont., 1935, amended.

Section 1. That Section 3308.1 Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Notices of chattel mortgages on livestock, renewals, assignments to be filed by recorder of marks and brands.

"Section 3308.1. **Notices of Chattel Mortgages on Livestock, Renewals, Assignments and Satisfactions to be Filed by Recorder of Marks and Brands — Lists to be Furnished Stock Inspectors,** *Livestock Markets Not Liable for Mortgages When Notice Thereof Not Filed.* The general recorder of marks and brands of the State of Montana shall accept and file in the office of the general recorder of marks and brands, notices of chattel mortgages, renewals, assignments and satisfactions thereof, upon the livestock owned by any person, firm, corporation, or association, and bearing his, their, or its recorded brand, and shall list such notices on the official records of marks and brands kept by him, and also shall cause to be listed said notices in the offices of the stock inspectors, employed by the livestock commission and stationed at the several central livestock markets where records *are kept of marks and brands.* All forms on which such notices shall be given shall be prescribed by the livestock commission and shall be

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Livestock market not liable unless notice of mortgage is filed.

furnished by the mortgagee of livestock, who shall give such notice. *No livestock market to which livestock is shipped shall be held liable to any mortgagee for the proceeds of livestock sold through such livestock market by the mortgagor unless notice of such mortgage is filed as hereinabove provided.*"

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1949.

CHAPTER 37

An Act to Amend Section 3681, of the Revised Codes of Montana, 1935, Relating to Definitions of Commission, Person, Open Season, Closed Season, Angling or Fishing, Upland Game Birds, Migratory Game Birds, Non-game Birds, Game Animals, Fur-bearing Animals, Predatory Animals, and Game Fish.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3681 R. C. Mont. 1935 amended.

Section 1. That Section 3681, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Definitions

"Section 3681. **Definitions.** For the purpose of this act, the following shall be construed, respectively, to mean:

"Commission."

Commission. The state fish and game commission.

"Person."

Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

"Open season."

Open season. The time during which game birds, fish, game and fur-bearing animals *may* be lawfully taken.

"Closed season."

Closed season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

"Angling or fishing."

Angling or fishing. The taking of, or attempting to take fish by hook and line or rod in hand.

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"Upland game birds."

Upland game birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen, or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, and wild turkey.

"Migratory game birds."

Migratory game birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellowlegs; and mourning or turtle doves.

"Non-game birds."

Non-game birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed non-game birds.

"Game animals."

Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, and bear.

"Fur bearing animals."

Fur-bearing animals. Marten or sable, otter, fox, muskrat, fisher, mink, raccoon, and beaver.

"Predatory animals."

Predatory animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk, and civet-cat, black-footed ferret, and bobcat.

"Game fish."

Game fish. *All species of the family salmonidae (chars, trout, and salmon); all species of the family thymallidae (grayling); all species of the family coregonidae (whitefish); all species of the genus stizostedion (sand pike or sauger and walleyed pike or yellow pike perch); all species of the genus esox (northern pike, pickerel, and muskellunge); all species of the genus micropterus (bass).*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1949.

CHAPTER 38

An Act to Amend Section 11887 of the Revised Codes of the State of Montana, 1935, Relating to Compensation of

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Attorney for Accused in a Criminal Action or Proceeding Where Accused is Unable to Procure or Employ Counsel.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 11887 R. C. Mont. 1935 amended.

Section 1. That Section 11887 of the Revised Codes of the State of Montana of 1935, be and the same is hereby amended to read as follows, to-wit:

Compensation of attorney for accused.

"11887. **Compensation of Attorney for Accused.** Whenever, in a criminal action or proceeding in the district court, an attorney-at-law defends a person charged with any offense, by order of the court, on the ground that the accused is unable to procure or employ counsel, the county in which such criminal action or proceeding may have arisen is liable to pay such attorney for his services such sum as the judge certifies to be a reasonable compensation therefor."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1949.

CHAPTER 39

An Act to Amend Section 5130 of the Revised Codes of Montana, 1935, Relating to Reports, Books and Accounts of Fire Department Relief Associations and Examination Thereof, to Provide Fixed Fees for Such Examination.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5130 R. C. Mont. 1935 amended.

Section 1. That Section 5130 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Annual report of secretary and treasurer.

"Section 5130. **Annual Report of the Secretary and Treasurer, Prescribing Qualifications for Membership, Official Bond of the Treasurer and Examination of Books and Accounts.** The secretary and treasurer of every fire department relief association so formed shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purposes the money has been paid and expended, and file it

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with the association, and a duplicate with the state auditor. No money shall be paid to the treasurer of such fire department relief association until such report is so filed. No one serving as a substitute or on probation, nor any person who has not been confirmed a member of an organized fire department is eligible for membership in the relief association. No treasurer of any such association shall enter upon his duties until he has given to the association a good and sufficient bond of not less than fifty per cent (50%) of the amount of the cash funds and securities of the Association, for the faithful performance of his duties according to law, the amount of such bond to be approved and paid for by such association. Provided, however, that in no case shall such official bond be in excess of the amount of twenty-five thousand dollars ($25,000.00). Provided further, that upon a majority vote of the members of the association, the city or town treasurer shall be ex-officio treasurer of the fire department relief association and the official bond of such city or town treasurer shall cover the faithful discharge of his duties as ex-officio treasurer of the fire department relief association, and the cash in the firemen's relief fund shall have the same protection as to depository securities furnished by banks, as the other funds of the city or town. All of the financial books and accounts of such association with reference thereto shall be subject at all times to examination by the state examiner. The state examiner is hereby authorized, empowered and required to make such examination at least once each year, for which service the association shall pay to the state treasurer on or before the first day of July of each year, in all cases where the fund is in excess of *two thousand five hundred dollars ($2,500.00)*, a fee in the amount of ten dollars ($10.00), which shall be credited to the state general fund. Upon complaint being duly made to him that the money or any part thereof paid under the provisions of this act to the treasurer of such association has been or is being expended for any unauthorized purpose, and if such money upon examination is found to have been expended contrary to the authority given, he shall so report to the governor, upon whose directions to the state auditor, no further warrants shall be issued to such fire department relief association treasurer until the money so expended has been returned."

Qualifications for membership.

Bond of treasurer.

Examination of books and accounts.

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Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1949.

CHAPTER 40

An Act to Repeal Sections 4495 to 4500 Inclusive, Revised Codes of Montana, 1935, Relating to Rodent Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 4495 to 4500, R. C. Mont. 1935 repealed.

Section 1. That Sections 4495 to 4500 inclusive, Revised Codes of Montana, 1935, shall be and the same are hereby repealed.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after passage.

Approved February 21, 1949.

CHAPTER 41

An Act to Amend Section 2917, Revised Codes of Montana, 1935, as Amended by Chapter 229 of the Session Laws of 1943, and by Chapter 213 of the Session Laws of 1945, Relating to Medical, Hospital and Other Services Furnished to Injured Workmen Under the Workmen's Compensation Act, by Increasing the Amount of Such Services to Not Exceed the Sum of One Thousand Dollars ($1,000).

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2917 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2917 Revised Codes of Montana, 1935, as amended by Chapter 229 of the Session Laws of 1943 and by Chapter 213 of the Session Laws of 1945, be, and the same is hereby amended to read as follows:

"Section 2917. **Medical and Hospital Services and**

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Such Other Treatment as Approved by the Board, to be Furnished. In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

Additional benefit to be furnished.

During the first nine (9) months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of *one thousand dollars ($1,000)*, unless the employee shall refuse to allow them to be furnished, and unless such employee is under hospital contract as provided in Section 2907 of this act.

Medical and hospital services and such other treatment approved by the board.

When such employee is under a hospital contract as above and when hospital or medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee, may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Injured employee may be placed where adequate hospital services are obtainable.

And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The expense of furnishing any such member shall not exceed the following amounts: Hand or arm to elbow—one hundred fifty dollars ($150.00). Arm above elbow—one hundred seventy-five dollars ($175.00). Foot or leg—one hundred fifty dollars ($150.00). Eye—ten dollars ($10.00). Teeth—one hundred twenty-five dollars ($125.00). The replacement of any artificial member so furnished shall *be required every five (5) years, if necessary.*"

Artificial arm, hand, leg, foot, eye or teeth may be ordered by the board.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1949.

CHAPTER 42

An Act to Amend Section 2 of Chapter 126, Session Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to Acquisition, Purchase, Construction, Reconstruction, Et Cetera, of Public Service by Cities and Towns, by Including Airport Construction and Airport Building, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 126 laws of 1939 amended.

Section 1. That Section 2 of Chapter 126, Session Laws of the twenty-sixth legislative assembly, 1939, be, and the same is hereby amended to read as follows:

Definitions.

"Section 2. **Definitions.** Whenever used in this act, unless a different meaning clearly appears from the context:

"Undertaking."

(a) The term 'undertaking' shall mean any one or a combination of the following: water, and sewerage systems, together with all parts thereof and appurtenances thereto including, but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment, disposal works, *public airport construction and public airport building.*

"Municipality."

(b) The term 'municipality' shall include any city or any town, however organized.

"Governing body."

(c) The term 'governing body' shall include bodies and boards, by whatsoever names they may be known, having charge of finances and management of a municipality."

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1949.

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CHAPTER 43

An Act Relating to Tax Stamps or Insignia of the State of Montana; Providing Penalty for Counterfeiting Any Such Stamp or Insignia, or Having Possession Thereof, or Being Concerned Therewith; Prescribing Penalty for Re-using Any Such Stamp or Insignia, and for Failure or Refusal to Properly Affix Any Such Stamp or Insignia, or to Properly Cancel Any Such Stamp.

Be it enacted by the Legislative Assembly of the State of Montana:

Failure of to affix or to cancel state stamp tax or insignia.

Section 1. (a) Every person required by law to affix any tax stamp or insignia of the State of Montana, to or upon any article to evidence the payment of a tax or license thereon, who shall fail, neglect or refuse to affix such stamp or insignia thereto, or to affix it in the proper place, or to cancel it, in the manner and as required by law, or as required by rules and regulations of the state board of equalization of this state when charged with administering any act relating thereto, or who shall wilfully remove any such affixed stamp or insignia from any such article and affix it to another such article required by law to be so stamped or marked, is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not less than thirty (30) days, nor more than six (6) months, or by a fine of not less than one hundred dollars ($100.00), nor more than three hundred dollars ($300.00), or by both such fine and imprisonment.

Wilful removing and affixing stamp

Penalty.

Counterfeiting stamps, possessing equipment for counterfeiting.

(b) Every person without authority of law, who shall wilfully make, print, manufacture, counterfeit, or attempt to make, print, manufacture or counterfeit any such stamp or insignia of the State of Montana or of any other state, or who shall, without authority of law, have in his possession any such counterfeit stamp or insignia, die, equipment or material for the making, printing, manufacturing or counterfeiting of any such stamp or insignia, or who shall be concerned therewith, is guilty of a felony and shall be punished by imprisonment in the state prison not less than one (1) year, nor more than five (5) years, or by a fine of not less than one thousand dollars ($1,000.00), nor more than five thousand dollars ($5,000.00), or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1949.

CHAPTER 44

An Act to Provide for the Cancellation of Certain Delinquent Taxes on Personal Property Not a Lien on Real Estate, the Cancellation of Certain Obligations Held by Counties, Prescribed Procedure Relating Thereto, Duties of the County Treasurers and Boards of County Commissioners in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of county treasurers to submit list of certain delinquent personal property taxes to commissioners.

Section 1. It shall be the duty of each county treasurer to prepare in triplicate and submit to the board of county commissioners of his county, on or before the thirty-first day of December, 1949, and thereafter, on or before the first Monday of June in each year, a list of personal property taxes which are not a lien on real estate and which have been delinquent for ten (10) years or more. Said list shall show the following:

1. Name and address of the delinquent taxpayer.
2. Amount of the delinquent tax, plus penalty if any.
3. The year the tax became delinquent.

List of all outlawed contractual obligations owed to county, duty of treasurer to submit.

Every county treasurer shall, within the same time, prepare in triplicate and submit to the board of county commissioners of his county, a list of all contractual obligations owed to or held by his county for seed grain, feed or other relief, the collection of which is barred by the statute of limitations, to-wit, Section 9029 of the Revised Codes of Montana, 1935. Said list shall show the following:

1. Name and address of the person or persons who entered into the contractual obligation.

2. The name of the contractual obligation, as "seed loan", "feed loan", "promissory note", as the case may be.

3. The date of obligation; date when last payment became due; date of last payment thereon, and the date when the collection of the obligation became barred by said statute of limitations.

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Section 2. Upon receipt of such list or lists, and within thirty (30) days thereafter, the board of county commissioners shall examine the same and make any necessary corrections. Thereupon the board of county commissioners shall make its order cancelling all such personal property taxes and contractual obligations contained in such list or lists, as corrected, required by this act to be cancelled, and spread such order upon its minutes. But such order and minutes need not set forth in full the contents of such list or lists, a proper reference therein for their identification being sufficient; provided, however, that at the time of making such order, the original or ribbon copy of such list or lists, as corrected, shall be filed with and as a part of the records of the board; one legible original carbon copy thereof shall be filed with the county clerk and recorder as a public record, and one legible original carbon copy thereof shall be filed with the county treasurer as a permanent record of his office.

Cancellation of such personal property taxes and contractual obligations to be ordered by commissioners.

Section 3. Upon notification of the above order for cancellation, the county clerk and county treasurer must adjust their taxes receivable accounts to conform to the said order of cancellation.

Adjustments by county clerk and county treasurer.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 24, 1949.

CHAPTER 45

An Act to Amend Sections 2678 and 2702 of the Revised Codes of Montana of 1935, as Amended by Chapter 137, Laws of Montana, 1941, Relating to Electrical Construction.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2678 of the Revised Codes of Montana of 1935, as amended by Chapter 137, Section 2, of the Laws of Montana, 1941, be, and the same is hereby amended to read as follows:

Sec. 2678, R. C. Mont., 1935 as amended, further amended.

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Space between arms on poles and appliances for high and low voltage.

"Section 2678. **Space Between Arms on Poles or Appliances for High and Low Voltage.** At least one (1) standard pole-gain, or the equivalent of four (4) feet, shall be left vacant between the nearest cross-arm on which is placed or maintained any wire or cable conducting or carrying more than seven hundred and fifty (750) volts of electricity, and any cross-arm occupied by or used for wires or cables carrying seven hundred and fifty (750) volts or less, *except that on all new construction and the rebuilding of present construction, the series street lighting wires may be placed on the outer pin positions of the secondary cross-arm and shall be properly designated on the cross-arm as the series street lighting circuit.*

Exceptions relating to bucks or reverse arms and certain primary taps.

The said standard pole-gain shall be spaced not less than twenty-four (24) inches center to center, except that one (1) 'buck' or reverse arm may be placed not less than twelve (12) inches below any cross-arm; and provided that this section shall be held not to apply to bridge construction; and further provided, that it shall be held not to apply to primary taps to transformers on poles, and provided further, that all such primary taps leading to transformers on poles shall have insulation equivalent to the rated primary voltage of the transformer, *except where transformers with cover mounted primary bushings and without primary fused cutouts are mounted within three (3) feet of the top of the pole on vertical type construction, bare or weather proof wire may be used for primary taps to transformers.*"

Sec. 2702 R. C. Mont. 1935 as amended, further amended.

Section 2. That Section 2702 of the Revised Codes of Montana of 1935, as amended by Chapter 137, Section 13, of the Laws of Montana, 1941, be, and the same is hereby amended to read as follows:

Protection of ground wires on poles.

"Section 2702. **Protection of Ground Wires on Poles.** Any person, company, or corporation owning or using any poles for light, heat, or power *wires,* or poles used jointly for light, heat, or power wires, and telephone, telegraph and other signal wires, on which *vertical ground wires are run,* shall cause all such wires to be *enclosed from the uppermost contact on the pole downward for a distance of* five (5) feet below the lowest cross-arm, *or other wire supporting attachment used for light, heat or power wires and for a distance of eight (8) feet above the surface of the ground, in a casing equal in durability and insulating effi-*

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ciency to a wooden casing not less than one and one-fourth (1¼) inches thick; provided however, that the said casing may be omitted on poles supporting circuits carrying not more than four hundred forty (440) volts, and on poles in rural areas where a common grounded neutral is used. In all cases where ground wires are likely to be accidentally broken, mechanical protection should be provided. All metal casings shall be permanently and effectively grounded; provided, that this section shall not be held to apply to wires or cables which lead from overhead to underground systems, and further provided, that it shall not apply to high-tension lines *of fifteen thousand (15,000) volts or more.*"

Proviso

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 24, 1949.

CHAPTER 46

An Act to Amend Section IX of Part III of Chapter 82 of the Laws of 1937 Relating to the Receipts of Excess Payments of Old Age Assistance, the Recovery of Same, Distribution of Proceeds and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section IX of Part III of Chapter 82 of the laws of 1937 be amended to read as follows:

"Section IX. If, at any time during the continuance of old age assistance, the recipient thereof or the husband or wife (if living together) of the recipient, becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of the assistance, it shall be the duty of the recipient immediately to notify the county department of the receipt and possession of such property or income, and the county board may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with circumstances, any excess assistance heretofore paid shall be returned to the state and the county in pro-

Recipient to notify county department of additional property or income.

Excess assistance to be returned.

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portion to the amount of the assistance paid by each respectively, and be recoverable as a debt due the state and the county.

Federal government entitled to proportional part.

If the federal law so requires, the federal government shall be entitled to a share of any amounts collected from recipients or their estates in proportion to the amount which it has contributed to the grants recovered, and the amount due the United States shall be promptly paid by the state to the United States government. The remaining portion of the amount collected shall be distributed to the state and county in proportion to the total amount paid by each."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 47

An Act to Amend Section XII of Part II of Chapter 82 of the Laws of 1937, to Amend Section III of Part III of Chapter 82 of the Laws of 1937, to Amend Section IV of Part V of Chapter 82 of the Laws of 1937 as Amended by Section 8 of Chapter 117 of the Laws of 1941 as Amended by Section 8 of Chapter 213 of the Laws of 1943, Relating to the Determination of the Right to and Amounts of Assistance in Certain Cases and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. XII, Part II, Chap. 82, laws of 1937 amended.

Section 1. That Section XII of Part II of Chapter 82 of the laws of 1937 be amended to read as follows to-wit:

"Section XII. Upon the completion of an investigation the county public welfare *board* shall decide whether the applicant is eligible for assistance, the amount of assistance and the date on which the assistance shall begin.

Amount of assistance.

The amount of assistance granted any person or family shall, subject to the regulations and standards of the state department, be determined by the county department with due regard to the resources and necessary expenditures of the individual or family and the conditions existing in each case, and shall be sufficient to provide each person or

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family with a reasonable subsistence compatible with decency and health.

As heretofore provided in this part, *assistance* disbursements made by the county department to recipients shall be by warrant or check, payable from either the county or state funds, as available or as provided."

Sec. III, Part III, Ch. 82, laws of 1937 amended.

Section 2. That Section III of Part III of Chapter 82 of the laws of 1937 be amended to read as follows to-wit:

Amount of assistance.

"Section III. The amount of old age assistance granted any person shall, subject to the regulations and standards of the state department, be determined by the county *public welfare board* with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health."

Sec. IV, Part V, Ch. 82 laws of 1937, as amended, further amended.

Section 3. That Section IV of Part V of Chapter 82 of the laws of 1937 be amended by Section 8 of Chapter 117 of the laws of 1941 as amended by Section 8 of Chapter 213 of the laws of 1943 be amended to read as follows to-wit:

Amount of assistance.

"Section IV. The amount of assistance granted any blind person shall, subject to the regulations and standards of the state department, be determined by the county *public welfare board* with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. The state department may, however, authorize grants or supplementary grants from state funds to be used in supplementary services such as the prevention or treatment of blindness."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 48

An Act Providing for Method of Payment for Board and

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Room of Dependent and Neglected Children Placed in Approved Family Foster Homes by the Department of Public Welfare and for Reimbursement by Counties to the State Department for One-half of Such Payments and the Distribution of Any Recoveries and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State department of public welfare to pay for board and room of children placed in foster homes.

Section 1. Whenever agreements are entered into by the department of public welfare for placing dependent and neglected children in approved family foster homes, it shall be the duty of the state department to pay by its check or draft, each month, from any funds appropriated for that purpose, the entire amount agreed upon for board and room of such children.

County to reimburse one-half to state department.

On or before the twentieth of each month the state department shall present a claim to the county of residence of such children for one-half the payments so made during the month. The county must make reimbursement to the state department within twenty days after such claim is presented.

Recovery of money paid to be divided between state department and county.

Section 2. In the event any recovery is made from the parent or parents of children for whom board and room has been paid by the state and county any amount so recovered shall be divided equally between the state department and the county of residence of such child or children.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 49

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for the County Poor Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Additional levy for county poor fund, authorization for.

Section 1. Whenever the board of county commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all

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other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a certificate authorizing them so to do, issued by the state board of equalization as in this act provided.

County poor fund budget, copy of, to be first examined by state examiner and state department of public welfare.

Section 2. On or before the second Monday in July, the board of county commissioners of any county desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the state board of equalization. The state department of public welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

Amount of levy to be certified by state board of equalization.

Section 3. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 2 hereof, examine such documents and if such board finds that a levy as authorized in Section 1, or any part thereof, in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificate to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Effective date and duration of act.

Section 4. This act shall be in full force and effect from the first day of July, 1949, to the 30th day of June, 1951, and not thereafter.

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Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 50

An Act to Amend Section III of Part IV of Chapter 82 of the Laws of 1937 as Amended by Section 1 of Chapter 148 of the Laws of 1947, Relating to the Eligibility of Dependent Children to Receive Assistance.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. III, Part IV, Ch. 82, laws of 1937, as amended, further amended.

Section 1. That Section III of Part IV of Chapter 82 of the laws of 1937 as amended by Section 1 of Chapter 148 of the laws of 1947 be amended to read as follows, to-wit:

"Section III. Assistance shall be granted under this part to any dependent child, who:

(a) Is in need of such assistance.

Eligibility for assistance in aid of dependent children.

(b) Who has resided in the state for one year immediately preceding the date of application for assistance, or if the mother has resided within the state for one year immediately preceding such application, and her child is born in the state within such year. Any dependent child meeting the above requirements shall be entitled to the assistance herein provided for but the state shall pay the full amount of such assistance unless and until the child has been a resident of the county for a period of six (6) months, or, unless the child is less than six (6) months old and its mother shall have resided in the county before the birth of such child for a period of time which added to the period of time of the residence of such child in the county shall constitute a total of six (6) months."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1949.

CHAPTER 51

An Act Designating All Toll Bridges Crossing Any River

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in the State of Montana, as Roads Upon Which Moneys of the State Highway Fund May be Expended by the State Highway Commission; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Toll bridges designated as roads upon which moneys of state highway fund may be expended.

Section 1. All toll bridges crossing any river in the State of Montana, are hereby designated as roads authorized by the laws of the State of Montana upon which moneys of the state highway fund may be expended for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering, in the judgment of the state highway commission.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 52

An Act to Amend Sections 3 and 7 of Chapter 126 of the Session Laws of Montana for 1939, Relating to Waterworks and Sewerage Systems and the Issuance of Revenue Bonds Therefor by Cities and Towns; Providing for the Issuance of Revenue Bonds Which May be Junior in Standing to Other Revenue Bonds; Providing for the Acceptance by Cities and Towns of Loans, Grants and Contributions and Providing for Contracts by Cities and Towns With Industrial Establishments and With Other Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 126 laws of 1939 amended.

Section 1. That Section 3 of Chapter 126 of the Session Laws of 1939, be, and the same is hereby amended to read as follows:

Additional power of municipalities.

"Section 3. **Additional Power of Municipalities.** In addition to the powers which it may now have, any municipality shall have power under this act: (a) To construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and

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Additional power of municipalities.

to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, (b) to operate and maintain any undertaking and furnish the service, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality, (c) to issue its bonds to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking, (d) to prescribe and collects rates, fees, and charges for the services, facilities and commodities furnished by such undertaking, (e) *to enter into cooperative agreements with and accept contributions from industrial establishments relative to the planning, construction, lease or other acquisition, maintenance and operation of undertakings, and to apply for and accept grants and loans or any other aid which the United States of America or any agency thereof may give or make to any political subdivision or agency of this state for undertakings, including all necessary actions preliminary thereto, the purpose of which is to aid in the prevention or abatement of water pollution, and to make contracts and execute instruments containing such terms, provisions and conditions as, in the discretion of the governing body of the municipality, may be necessary, proper or advisable for the purpose of obtaining such aid, (f) to enter into and perform contracts, whether long-term or short-term, with any industrial establishment for the provisions and operation by the municipality of sewerage facilities when the governing body of such municipality determines such action to be in the public interest and otherwise essential in order to abate or reduce the pollution of waters caused by discharges of industrial waste by such industrial establishment, and to provide for the periodical payment by said industrial establishment to the municipality of an amount at least sufficient, in the determination of such governing body, to compensate the municipality for the cost of providing (including the payment of principal and interest charges, if any) and of operating and maintaining the sewerage facilities serving such industrial establishment,* and *(g)* to pledge to the punctual payment of said bonds *issued under this act* and interest thereon an amount of the revenues of such undertaking (including improvements, betterments, or extensions thereto thereafter con-

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structed or acquired) or of any part of such undertaking, sufficient to pay said bonds, and interest as the same shall become due, and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenue. The governing body of the municipality in determining such cost, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this act. *Any two or more municipalities through their respective governing bodies are hereby authorized and empowered to enter into and perform such contracts and agreements as they may deem proper for or concerning the planning, construction, lease or other acquisition and the finance of undertakings, in whole or in part, and the maintenance and operation thereof. Any such municipalities so contracting with each other may also provide in any contract or agreement for a board, commission or such other body as their governing bodies may deem proper for the supervision and general management of the undertakings and for the operation thereof, and may prescribe its powers and duties and fix the compensation of the members thereof.*"

Sec. 7, Ch. 126 laws of 1939 amended.

Section 2. That Section 7 of Chapter 126 of the Session Laws of 1939 be, and the same is hereby amended to read as follows:

Lien on revenues.

"Section 7. **Lien of Bonds.** *The resolution or resolutions shall specify and define the revenues or portion thereof which are appropriated and pledged for the security and payment of the bond principal and interest and the relative security of liens on the revenues in favor of bonds of one or more series or issues, whether issued concurrently or at different times.*"

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 53

An Act to Repeal Section 2815.109 of the Revised Codes of

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Montana, 1935, Relating to Cashing of Pay Checks at Liquor Dispensaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.109 R. C. Mont. 1935 repealed.

Section 1. That Section 2815.109 of the Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1949.

CHAPTER 54

An Act to Amend Section 1201.3, Revised Codes of Montana, 1935, as Amended by Chapter 132, Session Laws, 1941, as Amended by Chapter 108, Session Laws, 1943, as Amended by Chapter 129, Session Laws, 1945, and as Last Amended by Chapter 281, Session Laws, 1947, Relating to State Common School Equalization Fund and the Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1201.3 R. C. Mont. 1935 as amended, further amended.

Section 1. That Section 1201.3, Revised Codes of Montana, 1935, as amended by Chapter 132, Session Laws, 1941, as amended by Chapter 108, Session Laws, 1943, as amended by Chapter 129, Session Laws, 1945, as amended by Chapter 281, Session Laws, 1947, be, and the same is hereby amended to read as follows:

Distribution of fund.

"Section 1201.3. **Distribution of Fund — Reports May Be Required.** The state board of education at its meetings to be held in the months of July and December in each year, shall determine the minimum educational program which shall be equalized, and in determining such educational program shall consider the following factors: The minimum length of the school term; the levy required including levy for text books in order to maintain the school for such minimum term and with such minimum program; the taxable valuation of the district; the taxable valuation per child enrolled and in regular attendance; enrollment in regular attendance and minimum enrollment, and such other factors as said board may deem necessary for the purpose of carrying out the provisions of this act.

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No amount shall be paid over to or distributed to any school district from the common school equalization fund, save and except under the following conditions:

Conditions.

1. When in order for a district to maintain a school for the minimum term and to provide the minimum educational program, as determined by the state board of education it is necessary for the district to levy a tax of more than fifteen (15) mills, including any levy made for text book purposes.

Necessary district tax levy more than 15 mills.

2. When the number enrolled and in regular attendance does not exceed ten (10) and they can be readily transported to another school, not more than ten (10) miles distant and the cost of transportation and tuition at such other school will require a tax levy of more than fifteen (15) mills.

Transportation and tuition requiring tax levy of more than 15 mills.

When application is made by any school district for aid from the common school equalization fund and it appears to the satisfaction of the state board of education that the school can be closed and the pupils transported to some other school, or board and rent furnished them in lieu of transportation while attending such other school, and that all cost and expense in connection with such pupils attending such other school will be less than the cost and expense of the district maintaining its school, and that by the district closing such school and providing for such transportation, or board or rent in lieu thereof, a less amount will be required from the said equalization fund, the state board of education must grant aid only in such amount as it may deem necessary under such conditions, and the amount granted may be used and expended by the school district in providing such transportation, or board and rent in lieu thereof.

Schools closed and pupils transported, when.

Whenever the state board of education shall determine that any school district is entitled to receive aid and assistance from such equalization fund, the board shall determine the minimum amount actually required to maintain such school, for the minimum term and educational program as determined by the board, or for tuition, transportation, or rent and board in lieu thereof, without any reserve being set up for the following school year, and shall also make a fair estimate of the cash balance, if any, on hand available for maintenance purposes, the amount which the district

Amount of grant, factors determining.

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will receive from sources other than taxation for maintenance purposes and the amount which a levy of fifteen (15) mills, including any levy made for text books, will produce, and the total of such amounts shall be deducted from the amount determined by the board to be required for maintenance purposes, and the amount which may be granted such district from the equalization fund shall not exceed such difference, but may be fixed at a less amount.

Distribution of surpluses in equalization funds.

All surpluses in the state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1947*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1948*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. After March 15, *1948*, all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Same, for years 1950 and 1951.

All surpluses in the state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1950*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1951*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. After March 15, *1951*, all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Power of state board of education.

The state board of education, acting as such common school equalization board shall have the power to require such reports from county superintendents of schools, county treasurers, and school trustees as it may deem necessary, and shall provide rules and regulations for the pur-

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pose of carrying out the provisions of this section and providing, as nearly as possible, and as far as said fund will allow, nine (9) months schooling each year for every child in the common schools of the state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 23, 1949.

CHAPTER 55

An Act to Amend Section 803 of the Revised Codes of Montana of 1935, Relating to State Canvassers, Composition and Meeting of Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 803, R. C. Mont. 1935 amended.

Section 1. That Section 803 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

State canvassers, composition and meeting of board.

"Section 803. **State Canvassers, Composition and Meeting of Board.** *Within thirty days after the election and sooner if the returns be all received,* the state auditor, state treasurer, and attorney-general, who constitute a board of state canvassers, must meet in the office of the secretary of state and compute and determine the vote, and the secretary of state, who is secretary of said board, must make out and file in his office a statement thereof and transmit a copy of such statement to the governor."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1949.

CHAPTER 56

An Act Providing for the Repeal of Sections 2430, 2431, 2432, and 2433, of the Revised Codes of Montana, 1935, Which Said Sections Relate to the Regulation of the Giving or Furnishing of Bonuses or Premiums, Such as

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the Giving or Furnishing of Stamps, Coupons, Tickets, Certificates, Cards, Gifts or Premiums, Such as Crockery, Chinaware, Aluminumware, Tinware, or Anything Else That May be Included With or Contained in Packages of Any Kind of Merchandise, of Any Description, or Other Similar Device for, or With or in Connection With the Sale of Goods, Wares or Merchandise, and Providing a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 2430, 2431, 2432 and 2433, R. C. Mont. 1935 repealed.

Section 1. That Sections 2430, 2431, 2432, and 2433 of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

Effective date.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval.

Approved February 25, 1949.

CHAPTER 57

An Act Relating to the Public Health, Providing for the Reorganization of the "State Board of Health of Montana" by Creating "The State Board of Health of the State of Montana," Providing for the Appointment of Members Thereof, Their Qualifications and Term of Office, Providing That Said Board Shall Elect Its Officers, and Shall Appoint an Executive Officer, Defining Certain of the Powers and Duties of Said Reorganized Board and the Officers of Said Board, Providing for the Administration of the Public Health Laws of Montana by Said Board, and for the Transfer to, and Possession and Exercise by, Said Reorganized Board, of All Powers and All Duties Currently Provided and Prescribed by Law for the Existing "State Board of Health of Montana," and for the Continuous and Uninterrupted Administration Thereof by Said Reorganized Board, and to Amend Sections 2444 and 2445, Revised Codes of Montana, 1935, as Amended by Chapter 225 of the Laws of the Twenty-eighth Legislative Assembly of the State of Montana, 1943, and to amend Section 2446 of the Revised Codes of Montana, 1935, and to Repeal Section 2447, Revised Codes of Montana, 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Creation of the state board of health of the state of Montana.

Section 1. Section 2444 Revised Codes of Montana, 1935, as amended by Chapter 225, laws of the twenty-eighth legislative assembly of Montana, 1943, shall be, and the same is hereby amended to read as follows:

"Section 2444. **Creation of the State Board of Health** *of the State of Montana.* There is hereby created, *as an agency of the executive branch of the state government of the State of Montana 'the state board of health of the State of Montana' and such board is invested with the powers, and charged with the performance of the duties, in this act set forth, and, in addition, with such other and further powers and duties as are otherwise prescribed by existing law, and as are hereafter prescribed by law."*

Section 2. Section 2445, Revised Codes of Montana, 1935, as amended by Chapter 225, laws of the twenty-eighth legislative assembly of Montana, 1943, shall be, and the same is hereby amended to read as follows:

"Section 2445. *State Board of Health — Members — Appointment Qualifications — Term — Vacancy — Officers — Meetings — Compensation. There is hereby created 'the state board of health of the State of Montana,' hereinafter referred to as the 'board', which shall consist of seven (7) members, to be appointed by the governor, three (3) of whom shall have the degree of doctor of medicine, one (1) of whom shall have the degree of doctor of dental surgery, and three (3) of whom shall be lay persons, each of whom has demonstrated intelligent and active interest in the field of public health in Montana. For the purpose of this act a 'lay person' is hereby defined as any person who does not hold the degree of doctor of dental surgery or doctor of medicine. The governor shall make such appointments not later than thirty (30) days prior to June 30, 1949. The members appointed shall be so named and appointed that the term of office of one of such members shall expire on the thirtieth (30th) day of June, 1950, and the term of one member shall expire on the thirtieth (30th) day of each succeeding June thirtieth (30th) in each of the years 1951 through 1956, inclusive. Upon the completion of each original term successively, each subsequent appointment shall be promptly made by the governor for a full term of seven (7) years, each*

State board of health composition of.

Appointment of members.

Term.

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regular term to run from June thirtieth (30th), and each appointment shall be subject to confirmation by the senate of the State of Montana. Appointments shall be made to the board in such manner that the representation from the doctors of medicine, the doctors of dental surgery and the lay persons shall at all times be continued and preserved as herein set forth. Each vacancy on the board shall be filled by the governor by the appointment of a qualified person to serve for the unexpired term, subject to confirmation by the senate. In the event any member of the board fails to attend three (3) meetings of the board in any calendar year, the seat of such member shall forthwith become automatically vacant, provided that the member has not been excused for illness, or for other good cause found sufficient by the board.

Vacancies.

First meeting and election of officers.

The Board first appointed under the provisions of this act shall meet at twelve o'clock (12:00) noon on July 1, 1949, and shall elect from its members a president, a vice-president, a secretary, and such other officers as it shall determine. The board may require its executive officer, hereinafter provided for, to serve as secretary of the board.

The secretary of the board, whether a member of the board, or its executive officer, shall keep complete and accurate minutes of each meeting of the board, and of every motion, resolution, act and all proceedings of the board.

Special meetings.

Regular meetings of the board shall be held not less than once every three (3) months at such time or times as may be fixed by resolution of the board to effect such quarterly meetings in compliance with this act. Special meetings may be called by the president, by the executive officer, or by a majority of the members of the board at any time on three (3) days' prior notice by mail, or in case of epidemics, water pollution dangerous to health, floods or other emergencies on twenty-four (24) hours' notice by telephone or telegraph. The board shall adopt, and at any time may amend by-laws in relation to its meetings and the transaction of its business. A majority shall constitute a quorum of the board. Each member of the board shall receive the sum of ten dollars ($10.00) per day for each day's attendance at meetings of the board, and when in the field acting for the board, and shall be reimbursed for his traveling and subsistence expenses when absent from his place of residence in attendance at meetings or when in the field

By-Laws.

Compensation of members.

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acting for the board. In every suit or proceeding in which the acts of the board are the subject of inquiry, the meetings of the board shall be deemed to have been duly called and regularly held, and all orders and proceedings of the board shall be deemed to have been regularly authorized, unless the contrary be proved."

Section 3. Section 2446 Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Sec. 2446 R. C. Mont. 1935 amended.

"Section 2446. *(a) Executive Officer Appointment — Qualifications — Compensation. The administrative and executive head for the board shall be its executive officer, and the office of executive officer of the state board of health of the State of Montana is hereby created. The executive officer shall be appointed by the board, and shall have the following qualifications: he shall have a degree of doctor of medicine; he shall have successfully completed at least one (1) year of graduate study in an approved school of public health, and he shall have had at least two (2) years experience in administrative practice as a full-time public health officer; he shall be eligible for license by the board of medical examiners of the State of Montana, and he must obtain a license from such board not later than six (6) months after his appointment in one or the other of the methods prescribed by the laws of this state. Provided, that if no such qualified person is available for appointment as executive officer, the board in its discretion may appoint, for a period of not over one (1) year, a doctor of medicine regularly licensed in Montana, who has had at least five (5) years of active practice in that profession and who shall not be eligible for reappointment. The executive officer shall receive such annual salary as may be fixed by the board, within the limits of funds made available to the board by appropriation of the legislative assembly or otherwise; shall be allowed traveling and subsistence expenses incurred in the performance of his official duties when absent from his place of residence; shall be custodian of all property of the board, and when acting as secretary of the board, custodian of its records, files and minute book; and shall perform all the duties of the secretary of the board as prescribed by law, when acting as secretary by appointment and order of the board; he shall devote his entire time to his official duties and shall not engage*

Executive officer, appointment and qualifications.

Salary.

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in the private practice of medicine or in any other occupation; the executive officer shall be subordinate to the board in the performance of his duties under this act.

Contract for services for definite term.

(b) *The board is authorized, with the approval of the state board of examiners, to enter into a formal, written contract to secure the services of its executive officer for a definite term of years, not exceeding ten (10) in number, and the reciprocal obligations of the board and such person, including compensation, shall be defined and stated in such written contract; or the board may appoint its executive officer for a definite term of not to exceed ten (10) years.*

Removal.

In either event, the executive officer may be removed during his term only after hearing by the board on at least twenty (20) days' notice, after verified charges preferred against him have been sustained by preponderance of the evidence.

Division and section heads and other employees to be under merit system of personnel administration.

(c) *Each division and section of the board shall be under the management of a head, responsible to the executive officer, and such heads and all other subordinate personnel of the division shall be appointed by the executive officer by and with the consent of the board, under the provisions and principle of a merit system of personnel administration. The rules, regulations and compensation schedules for which the board is hereby authorized and directed to adopt, shall in all respects be in conformity to the merit system established by law for personnel of the government of the State of Montana.*

(d) *Before presenting a request for appropriation from the legislative assembly the board shall confer with the head of each section or division."*

Additional powers of board.

Section 4. **Board — Powers of.** From and after the effective date of this act, in addition to other express powers and other implied powers herein granted to the board, and in addition to other express powers and other implied powers granted to the "state board of health of Montana" by existing provisions of law not repealed hereby, or hereafter granted to the board by law, the board shall have and exercise the following powers and duties:

(1) To act in a directory and advisory capacity to the executive officer in all matters pertaining to public health.

(2) To determine general policies to be followed by the

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board and its executive officer in administering public health laws of the State of Montana.

(3) To hold hearings, administer oaths, subpoena witnesses and take testimony in all matters relating to the exercise and performance of powers and duties vested in or imposed upon the board.

(4) To bring actions in the courts of this state for the enforcement of the public health laws, and to defend actions and suits brought against it.

(5) To exercise all powers found in the following laws: Sections 2448 to 2484, inclusive, Revised Codes of Montana, 1935, as amended and supplemented; Chapters 231 through 239, inclusive, of the political codes of the State of Montana, and Chapter 242 of the political code of the State of Montana, including Sections 2485 through 2619, inclusive, Revised Codes of Montana, 1935, as amended and supplemented, and Sections 2641 through 2657, inclusive, Revised Codes of Montana, 1935, as amended and supplemented.

Board succeeds to functions, powers and duties of former board.

Section 5. **Functions of and Powers of Any Agency Transferred to and Continued in the State Board of Health of Montana Created Hereby.** The Board shall be the successor in every way, with respect to the functions, the powers and the duties prescribed by law upon the state board of health of Montana and its executive officer, as constituted before this act becomes effective, and every act done in the exercise of such functions, by or under authority of the board created hereby, shall have the same force and effect as if done by the former state board of health of Montana, or any section, division or agency thereof in which such functions and powers have heretofore been vested, or such duties imposed and laid.

Legal advisor.

Section 6. **Legal Advisor.** The attorney general of Montana shall be legal advisor for the board and shall, as a matter of course, defend it in all actions and proceedings brought against it, and shall, at its request, bring all suits and actions ordered by it. The county attorney of the county in which a cause of action may arise, shall bring any action requested by the board to abate a condition which exists in violation of, or to restrain or enforce any action which is in violation of, or to prosecute for the violation of, or for the enforcement of, the public health laws of Montana. If the county attorney fails to so act,

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the board may bring any such action and shall be represented by the attorney general or, with the approval of the attorney general, may be represented by special counsel who shall be compensated out of the general appropriation made by the legislative assembly for the board.

Sec. 2447 R. C. Mont. 1935, as amended, repealed.

Section 7. Section 2447 Revised Codes of Montana, 1935, as amended and supplemented, shall be, and the same is hereby repealed.

Separability of act.

Section 8. If any particular section or provision of this act is held to be invalid, the invalidation of such section or provision shall not invalidate the other sections and provisions, but they shall have the same force and effect as though they were enacted separately and independently.

Duty of members of board as appointed hereunder to confer with preceding members.

Section 9. The members and officers of the state board of health of Montana as such board is constituted at the date of the passage and approval of this act, and the members to be appointed to the "state board of health of Montana," said board resulting from the reorganization effected by this act, shall confer and cooperate between the date of their appointment and June 30th, 1949, to insure that all the laws of the State of Montana relating to public health, including this act, continue to be enforced without interruption or delay, and without prejudice to the protection of the public health in Montana arising from the reorganization of the "state board of health of Montana."

Repealing clause.

Section 10. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 11. This act shall, as respects the appointment by the governor of the seven (7) members of the "state board of health of Montana" to be initially appointed hereunder, take effect and be in force from and after its passage and approval, but in all other respects this act shall take effect and be in force from and after June 30th, 1949.

Approved February 25, 1949.

CHAPTER 58

An Act to Amend Section 443, Revised Codes of Montana, 1935, as Amended by Chapter 119, Session Laws of the Twenty-eighth Legislative Assembly, 1943, Relating to

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Traveling Expenses of Certain County Officers Attending Conventions by Including the Office of Sheriff, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 443 of the Revised Codes of Montana of 1935, as amended by Chapter 119, session laws of the twenty-eighth legislative assembly, 1943, be, and the same is hereby amended to read as follows:

Sec. 443, R. C. Mont. 1935, as amended, further amended.

"Section 443. **Traveling Expenses of Officers Attending Conventions.** Hereafter no state, county, city or school district officer or employee of the state or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting, or other gathering of public officers save and except for attendance upon such convention, meeting or other gatherings as said officer may by virtue of his office be required by law to attend, provided that nothing herein shall prohibit the state board of examiners from authorizing the payment of the necessary traveling *expenses* of any state officer or employee, whenever in the judgment of the board an emergency exists, and the public interest demands, which reasons are to be spread on the minutes of the board of examiners, and provided further, that the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of the entire board make their district a member of any state association of school districts or school district trustees, or any other strictly educational association and authorize the payment of dues to such association, and the necessary traveling expenses of an employee, or one (1) member of said board, to attend meetings of such association, or other meetings called for the express purpose of considering educational matters. Provided, further, one (1) member of the board of county commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of county commissioners or assessors held within the state not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid; *provided also that county attorneys and sher-*

Traveling expenses of officers attending conventions.

Trustees of school districts.

Members of board of county commissioners.

County attorneys and sheriffs.

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iffs are hereby authorized to attend their respective meeting or convention held within the state and are allowed actual traveling expenses not oftener than once a year for attending same. Provided, further, that nothing herein shall be construed to prevent any city or town council, commission or other governing body from paying membership fees and dues in any organization of city and town officials whose purpose is improvement of laws relating to city and town government and their better and more economical administration, and the necessary expense of any regular officer or employee of such city or town in attending any convention or meeting of such organization upon the direction of such council, commission, or other governing body by order upon its minutes stating that the public interest requires such attendance; such payment of membership fees, dues and/or expense to be made from such fund of the city or town as the council, commission or other governing body shall direct by such order, upon claim presented, audited and allowed as are other claims against such city or town."

Officers and employees of cities and towns.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 59

An Act to Amend Section 4885 of the Revised Codes of Montana, 1935, as Amended by Chapter 121 of the Laws of the Twenty-seventh Legislative Assembly of 1941, and Section 4916 of the Revised Codes of Montana, 1935, as Amended by Chapter 139 of the Laws of the Twenty-fifth Legislative Assembly of 1937, and by Chapter 121 of the Laws of the Twenty-seventh Legislative Assembly of 1941, Relating to Mileage, Expenses, and Fees of Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4885 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 4885 of the Revised Codes of the State of Montana, 1935, as amended by Chapter 121 of the laws of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

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"Section 4885. **Mileage and Expense of Sheriff.** Sheriffs delivering prisoners at the state prison or at the state reform school, or insane persons at the state insane asylum, shall receive actual expenses necessarily incurred in their transportation, which shall include the expenses of the sheriff in going and returning from such institution. They shall take vouchers for every item of expenses incurred by them in such transportation, the amount of which expenses, as shown by the said vouchers when served by said sheriff, shall be audited and allowed by the state board of examiners or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the state or counties, and no other or further compensation shall be received by sheriffs for such expenses, *provided that in determining the actual expense, if travel be by a privately owned vehicle, the mileage rate shall be allowed as herein provided.* While in the discharge of his duties, both civil and criminal, the sheriff shall receive *nine* cents *(9c)* per mile for each and every mile actually and necessarily traveled; and for transporting any person by order of court, except as hereinbefore provided, he shall receive *nine* cents *(9c)* additional per mile, the same to be in full for transporting and dieting of such person during such transportation; provided that where more than one *person is* transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged. The county shall not be liable for, nor shall the board of county commissioners pay for any claim of the sheriff or other officer, for team or horse hire, or any other expense incurred in travel or for subsistence, in cases where mileage is allowed under this section; the fees for mileage named in this section being in full for all such traveling expenses in both civil and criminal work."

Mileage and expense of sheriffs.

Rate for travel in privately owned vehicle.

Section 2. That Section 4916 of the Revised Codes of Montana, 1935, as amended by Chapter 139 of the laws of 1937, and by Chapter 121 of the laws of the twenty-seventh legislative assembly of 1941 relating to fees of sheriff be amended to read as follows:

Sec. 4916, R. C. Mont. 1935, as amended, further amended

"Section 4916. **Fees of Sheriff.** For the service of summons and complaint on each defendant, one dollar ($1.00);

Fees of sheriff.

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For levying and serving each writ of attachment of execution on real or personal property, one dollar ($1.00);

For service of attachment on the body or order of arrest on each defendant, one dollar ($1.00);

For the service of affidavit, order, and undertaking in claim and delivery, one dollar ($1.00);

For serving a subpoena, twenty-five cents (25c) for each witness summoned;

For serving writ of possession or restitution, two dollars ($2.00);

For trial of the right of property or damages, including all services except mileage, three dollars ($3.00);

For taking bond or undertaking in any case authorized by law, one dollar ($1.00);

For serving every notice, rule or order, one dollar ($1.00), for each person served;

For copy of any writ, process or other paper when demanded or required by law, twenty cents (20c) for each folio;

For advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, one dollar ($1.00);

For taking and keeping attached property.

For the expense in taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court or judge may order, not to exceed the actual expense incurred, and no keeper must receive to exceed *five dollars ($5.00)* per day and no keeper must be employed without an order of court, nor must he be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property shall be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

Mileage in addition to fees.

In addition to the fees above specified, the sheriff shall receive for each mile actually traveled, in serving any writ, process, order or other paper, including a warrant of arrest, or in conveying a person under arrest before a magistrate or to jail, only his actual expenses when such travel is made by railroad, and when travel is other than

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by railroad he shall receive *nine* cents *(9c)* per mile for each mile actually traveled by him both going and returning, and the actual expenses incurred by him in conveying a person under arrest before a magistrate or to jail, and he shall receive the same mileage and his actual expenses for the person conveyed or transported under order of court within the county, the same to be in full payment for transporting and dieting such persons during such transportation; provided that where more than one *person is* transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged.

Act not applicable in certain cases.

Provided further, that this act shall not apply to the delivery of prisoners at the state prison or at the reform school, or insane persons to the state insane asylum, for which he shall receive the actual expense incurred as provided by Section 4885 of this code. Nor shall this act apply to trips made for the return of fugitives apprehended and arrested outside the county for which the sheriff shall receive the actual necessary expenses incurred in going for and returning with such fugitive, *provided that in determining the actual expense, if travel be by a privately owned vehicle, the mileage rate shall be allowed as herein provided.* But no mileage must be allowed on an attachment, order of arrest, order for delivery of personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. When two or more papers are served on the same person at the same time, or when any paper or papers are served on more than one person on the same trip, but one mileage must be allowed or charged, and in the service of subpoenas, but one mileage must be charged when the persons named therein live in the same place or in the same direction, but mileage must be charged for the longest distance actually traveled. Any writ, order or other paper for service, must be received at any place in the county where a sheriff or a deputy is found, and mileage must be computed from such place, but if papers are delivered for service away from the county seat, all necessary copies thereof must be furnished for service. When two or more officers travel in the same

One mileage only, when.

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automobile in the discharge of any duty but one mileage shall be allowed."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 60

An Act to Amend Section 6565, of the Revised Codes of Montana, 1935, as Amended by Chapter 5 of the Session Laws of 1943, and Sections 6566 and 6568 of the Revised Codes of Montana, 1935, Relating to Certificates and Licenses of Railroad and Steamboat Ticket Agents.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6565, R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 6565 of the Revised Codes of Montana, 1935, as amended by Chapter 5 of the laws of the twenty-eighth legislative assembly, 1943, be, and the same is hereby amended to read as follows:

Ticket agent to be given certificate.

"Section 6565. **Ticket Agent to Be Given Certificate—License.** It shall be the duty of the owners of any railroad or steamboat for the transportation of passengers, to provide each agent who may be authorized to sell within the state tickets or other evidence entitling the *holder* thereof to travel upon his or their railroad or steamboat, with a certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat, and shall, for the information of travelers, be kept posted in conspicuous place in the office of such agent."

Sec. 6566, R. C. Mont. 1935 amended.

Section 2. That Section 6566 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Unlawful sale of tickets.

"Section 6566. **Unlawful Sale of Tickets.** It shall be *unlawful* for any person not *a duly authorized ticket agent,* and in possession of such certificate, so posted as aforesaid, to sell, barter, or transfer within this state, for any consideration, the whole or any part of any ticket or other evidence of the holder's title or right to travel on said

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railroad or steamboat, whether such railroad or steamboat be situated, operated, or owned within or without the limits of this state."

Sec. 6568 R. C. Mont. 1935 amended.

Section 3. That Section 6568 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Certificate to be exhibited.

"Section 6568. **Certificate to Be Exhibited.** It shall be the duty of every agent residing or acting within this state, who shall be authorized to sell therein tickets or other evidence of the holder's title to travel upon any railroad or steamboat, to exhibit to any person desiring to purchase a ticket, or to any officer of the law who may request him so to do, such certificate of his authority thus to sell."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 61

An Act to Amend Section 1135 of the Revised Codes of Montana of 1935, Relating to Compulsory Attendance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1135 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Compulsory school attendance.

"Section 1135. **Compulsory Attendance—Excuses.** All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene, and arithmetic. Every parent, guardian, or other person, having charge of any child between the ages of eight and sixteen years, shall send such child to a public, private, or parochial school, *in which the basic language taught is English*, for the time that the school attended is in session, provided, however, that children fourteen years of age or over who have successfully completed the school work of the eighth grade, or whose wages are necessary to the support of the family of such child, may be employed dur-

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ing the time that the public schools are in session upon making the proof and securing the age and schooling certificate provided for in the following section. School attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, or by the principal of the private or parochial school, upon satisfactory showing either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, to teach the branches named in this section; provided, that the county superintendent may excuse children from attendance upon such schools where, in his judgment the distance makes such attendance an undue hardship. In case the county superintendent, city superintendent, principal, or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the district court of the county, upon giving a bond, within ten days after such refusal, to the approval of said court, to pay all costs of the appeal; and the decision of the district court in the matter shall be final. Any parent, guardian or other person having the care or custody of a child between the ages of eight and sixteen years, who shall fail to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty dollars."

Excuses, by whom granted.

Appeal in case excuse is refused.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 62

An Act to Amend Section 8902 Revised Codes of Montana, 1935, Relating to the Summoning of a Trial Jury; Providing That a Trial Jury Must be Summoned at Least Once Each Year in Each County When a Civil or Criminal Case Has Been at Issue and Ready for Trial for

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More Than Six Months and the Plaintiff or Defendant in Such Case Has Requested a Jury Trial of Such Case or Whenever the Business of a District Court Requires the Attendance of a Trial Jury for the Trial of Civil or Criminal Cases, the Court Must Make an Order Directing a Trial Jury to be Drawn and Summoned to Attend Before Said Court When No Jury is in Attendance, and Repealing Chapter 277 of the Montana Session Laws of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8902 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 8902 R. C. Mont. 1935 amended.

"Section 8902. **Summoning of Trial Jury.** *At least once each year in each county, when a civil or criminal case has been at issue and ready for trial for more than six (6) months and the plaintiff or defendant in such case has requested a jury trial or* whenever the business of a district court requires the attendance of a trial jury for the trial of civil or criminal cases, and no jury is in attendance, the court *must* make an order directing a trial jury to be drawn and summoned to attend before said court. Such order must specify the number of jurors to be drawn, and the time at which the jurors are required to attend, which time may be at the same term in which the jurors are drawn, or at the next succeeding term, in the discretion of the court. And the court may direct that such causes, either criminal or civil, in which a jury may be required, or in which a jury may have been demanded, be continued and fixed for trial when a jury shall be in attendance."

Summoning of trial jury.

Section 2. Chapter 277 of the Montana Session Laws of 1947, be, and the same is hereby repealed.

Ch. 277, laws of 1947 repealed.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1949.

CHAPTER 63

An Act to Amend Section 2295.7 of the Revised Codes of Montana, 1935, as Amended by Chapter 7, Laws of 1939,

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by Exempting from Payment of Income Taxes Certain Benefits, Compensation and Allowances Paid by the Veterans' Administration of the United States Government, and Certain Payments of the United States Government, to Veterans of World War I and World War II, Who Were Separated from the Service Under Conditions Other Than Dishonorable; Repealing All Acts and Parts of Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2295.7 R. C. Mont. 1935 as amended, further amended.

Section 1. That Section 2295.7 of the Revised Codes of Montana, 1935, as amended by Chapter 7, Laws of 1939, be, and the same is hereby amended to read as follows:

"2295.7. **Gross Income — What Included In.** The term 'gross income';

Gross income, what included in.

(1) Includes gains, profits and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, business, commerce, sales or dealings in property whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, royalties, securities, or the transaction of any business carried on for gain or profit, and income derived from any source whatever. The amount of all such items shall be included in the gross income, for the taxable year in which received by the taxpayer; unless, under the methods of accounting permitted in this act, any such amounts are to be properly accounted for as of a different period;

What not included.

(2) But does not include the following items which are exempt from taxation under this act:

Proceeds of life insurance policies.

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured to individual beneficiaries or to the estate of the insured.

Returned premium.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract.

Value of property acquired by gift.

(c) The value of property acquired by gift, bequest, devise or descent (but the income from such property shall be included in gross income).

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(d) Any amount received through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness, or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States, and their dependents. Compensation for personal injuries or sickness.

(e) Stock dividends when received by a shareholder shall not be subject to tax, but if before or after the distribution of any such dividend, the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income; provided, however, that any stock dividend shall be considered in computing gain, profit or income upon the sale, exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend. Corporation stock dividends.

Payments to a veteran of World War I or World War II, who was separated from the service under conditions other than dishonorable, provided, however, that such payments are limited to the following: Payments to veterans of World Wars I and II.

(1) Any and all benefits paid by the veterans' administration of the United States government, providing that said benefits arise or accrue as a direct result of such war service. Such benefits may include pension compensation, insurance, adjusted compensation, gratuity, subsistence allowances, other subsistence and travel allowances, readjustment allowances, accumulated leave compensation, family allowances, burial benefits to family or beneficiary, death benefits to beneficiaries and educational benefits, but shall not include wages or other compensation paid for services rendered to the veterans' administration. Benefits paid.

(2) Any and all monies paid by the United States government to such veteran while in active military service under any law or laws of the United States, but not to exceed the amount of five hundred dollars ($500.00) plus rations and quarters allowances and plus re-enlistment bonus, in any one calendar year. Monies paid during military service.

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Non-resident taxpayers.

(3) In the case of taxpayers other than residents, gross income includes only the gross income from sources within this state, but shall not include annuities, interest on bank deposits, interest on bonds, notes or other interest-bearing obligations, or dividends on stock of corporations; except to the extent that such annuities, bank deposits, bonds, notes or other obligations or stocks shall be a part of income from any business, trade, profession or occupation carried on in this state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 64

An Act Authorizing and Empowering the State Board of Land Commissioners of the State of Montana to Sell and Convey the Lands Described as: Lots Five (5), Six (6), Seven (7), and Eight (8) in Section Twenty-two (22), Township One (1) North, Range Eight (8), East of the Montana Meridian in Park County, Montana, for Cash, to the Best Interest of the Montana Agricultural Experiment Station and the State of Montana. Said Lands Having Heretofore Been Purchased with Trust Funds of the Station for Range Purposes and Cannot Be Longer Used for That Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

State board of land commissioners directed to sell certain real estate.

Section 1. That the said State Board of Land Commissioners of the State of Montana be, and it is hereby authorized, empowered and directed to sell and convey for cash, at public sale, to the highest and best bidder in the manner now provided by law for the sale of State lands, the following-described real estate, to-wit:

Lots five (5), six (6), seven (7), and eight (8) in Section Twenty-two (22), Township One (1) North, Range Eight (8), East of the Montana Meridian in Park County, Montana.

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The State Board of Land Commissioners is hereby authorized to reject any or all bids.

The above-described land was heretofore purchased by the Montana Agricultural Experiment Station from its trust funds to be used in its grazing and range experiments, it having a spring thereon and was used in connection with other leased lands in the immediate vicinity thereof. The said leases of other lands have now expired and cannot be renewed, leaving this land isolated and unusable for the purpose for which it was purchased.

Disposition of sale price received.

Section 2. Upon the sale of said land as aforesaid by the State Board of Land Commissioners, all cost of sale shall be deducted from the sale price and the balance shall be deposited with the State Treasurer to the credit of the Agricultural Experiment Station Trust Fund.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1949.

CHAPTER 65

An Act Providing for Cancellation of Record of Special Improvement District Warrants and Lialibity Accounts in Cities in Which Warrants or Liability Accounts Were Incurred or Issued Prior to February 25, 1929, and the Liability of Which Has Been Extinguished By Reason of Issuance of Tax Deeds, By Application of Statute of Limitations, or Other Laws of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

City council authorized to cancel certain special improvement district liability accounts.

Section 1. The City Council of any city in the State of Montana is hereby authorized to cancel of record all or any Special Improvement District Liability Accounts incurred or issued prior to February 25, 1929, the liability of which has been extinguished by reason of issuance of a tax deed, or by the application of the Statute of Limitations or other laws of the State of Montana.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 66

An Act to Amend Section 9482 of the Revised Codes of Montana, 1935, Relative to the Service of Summons by Publication, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 9482 R. C. Mont. 1935 amended.

Section 1. That Section 9482 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Service of summons by publication — when.

"9482. **Service of Summons by Publication, When.** When any defendant specifically named in such complaint resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of summons, or when any defendant is a foreign corporation, having no agent for the service of process, nor managing or business agent, cashier, secretary, or other officer within the state, or when any defendant is a domestic corporation and none of the officers or agents of such corporation, upon whom valid service of said corporation can be made, can, after due diligence, be found within the state, the plaintiff, upon the return of the summons showing due personal service within the state upon all defendants specifically named in the complaint, other than such as come within the meaning of the foregoing provisions of this section, and upon filing with the clerk of said court an affidavit setting forth *that after due diligence and search* with reference to any of such defendants upon whom personal service of summons within the state cannot be made, within the meaning of the foregoing provisions of this section, may obtain an order for the service of summons upon such defendants last mentioned, to be made by publication. *The affidavit shall be sufficient for all purposes if the same is worded in the terms of this statute.*"

Affidavit.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved February 25, 1949.

CHAPTER 67

An Act to Amend Section 6355.2 of the Revised Codes of Montana, 1935, Relating to Articles of Incorporation and the Contents Thereof by Inserting in Subsection 1 in the Name of the Association the Words "Or Savings and Loan Association".

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6355.2 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 6355.2 R. C. Mont. 1935 amended.

"Section 6355.2. **Articles of Incorporation — Contents.** Whenever any number of persons, not less than five (5), shall desire to incorporate a building and loan association, having for its object the conduct and operation of such an association as defined in this act, they shall prepare and file articles of incorporation to that effect in the manner in this act specified; such articles shall be signed, sealed and acknowledged in the form now provided by the statutes of this state for the conveyance of real estate, and shall include the following: Articles of incorporation — contents.

1. The name of the association. The name shall not be the same as, nor too closely resemble, that in use by any existing corporation established under the laws of this state. The words 'building and loan association' *or 'savings and loan association'* shall form a part of the name, and no corporation not organized under this act shall be entitled to use a name embodying said combination of words; provided, that the associations now existing may continue their present names; Name of the association.

2. The principal office, or place of business of the association shall be within this state; Principal office.

3. The amount of its capital stock and the number of

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Amount of capital stock, and shares.

shares into which the same shall be divided; such capital stock shall be divided into shares having a par value of one hundred dollars ($100.00).

Reference to this act.

4. A provision that such association is organized under this act for the purposes herein expressed;

Incorporators, names and residences of.

5. The names and residences of the persons who subscribed and acknowledged the said declaration, a majority of whom shall be citizens of this state, and shall thereafter be called incorporators."

Approved February 25, 1949.

CHAPTER 68

An Act to Amend Section 6355.1 of the Revised Codes of Montana, 1935, as Amended by Chapter 187 of the Session Laws of 1945, Relating to Building and Loan Associations and Savings and Loan Associations and Specifically Defining Members of Building and Loan Associations and Savings and Loan Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6355.1 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 6355.1 of the Revised Codes of Montana, 1935, as amended by Chapter 187 of the Session Laws of 1945, be, and the same is hereby amended to read as follows:

Purpose — definition.

"Section 6355.1. **Purpose — Definition.** A corporation mutually operated for the purpose of encouraging home ownership and thrift among its members and making substantially all of its loans to them on real estate mortgage security, shall be known in this act as a building and loan association *or a savings and loan association,* and shall be under the supervision of the state examiner and ex-officio superintendent of banks, whose duty it shall be to enforce all laws with respect thereto. The members of a building and loan association shall be its shareholders, stockholders, borrowers or purchasers of real estate under contract. Such associations shall have continual succession and shall be organized under the provisions of this act. *Wherever in this act the name building and loan association is used the same shall apply to and comprehend savings and loan associations organized under this act."*

Members, who are.

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Section 2. All acts and parts of acts in so far as the same are in conflict herewith are hereby repealed. Repealing clause.

Approved February 25, 1949.

CHAPTER 69

An Act to Amend Sections 292 and 293.7 of the Revised Codes of Montana, 1935, Relating to Purchasing Supplies by the State Purchasing Agent: Authorizing Such Purchases to be Made by Solicitation of Bids by Mail from Prospective Bidders Listed With the State Purchasing Agent Without Advertising; Providing for Listing of Prospective Bidders; Providing for Advertising for Bids Exceeding an Estimated Cost of Two Thousand Dollars ($2000.00) or More, Within Discretion of State Purchasing Agent; Providing for Purchase in Certain Cases on Open Market With Approval of the Governor; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 292, Revised Codes of Montana, 1935, be, and the same is amended to read as follows:

"292. **Furnishing of Stationery, etc. for Departments of State.** All stationery, printing, paper, fuel and lights used in the legislative and other departments of government, and the printing, binding and distribution of the laws, journals and department reports and other printing and binding, and repairing and furnishing the halls and rooms used for the meeting of the legislative assembly and its committees, shall be *procured by the state purchasing agent as hereinafter provided, with the approval of the state board of examiners.*" Stationery, etc., for departments of state, procurement of.

Section 2. That Section 293.7, Revised Codes of Montana, 1935, be, and the same is amended to read as follows: Sec. 293.7 R. C. Mont. 1935 amended.

"293.7. **Requisitions for Supplies — Manner of Letting Contracts.** State officers, commissioners or boards, or departments, superintendents of state institutions or departments shall tabulate in detail the amount of supplies on hand *for any class of merchandise for such period as determined by the state purchasing agent, and the addi-* Tabulation of supplies on hand and additional supplies needed.

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Duty of state purchasing agent.

tional supplies needed for a period of time not to exceed one year's supply. The state purchasing agent shall make examination of the amount of supplies on hand and shall determine from such examination and from the statements so furnished him, as in this section provided, the additional amount of supplies necessary and shall make an itemized statement thereof, all of which acts of said state purchasing agent shall be subject to approval of the governor. As soon as the state purchasing agent shall determine, as in this section provided, what kind of supplies and the amount necessary for the State of Montana to purchase for its state offices, boards, commissions, departments or institutions, he shall *make such purchases.*

Solicitation of bids.

All purchases by the state purchasing agent shall be based on competitive bids. On any purchase where the estimated expenditure shall be two thousand dollars ($2000.00) or over, sealed bids shall be solicited by mail from each person, firm or corporation who has filed with the state purchasing agent a request in writing that it be listed for solicitation on bids for such particular items set forth in such listing: provided, that if any person, firm or corporation whose name is listed shall fail to respond to any solicitation for bids, after the receipt of three such solicitations, such listing shall, within the discretion of the state purchasing agent, be cancelled: provided, further, that it shall be within the discretion of the state purchasing agent to advertise for such purchases. If bids are solicited through advertising, such advertisement shall be made in at least three daily newspapers of general circulation printed within the state, once each week for three (3) consecutive weeks, the first publication to be not less than twenty-two (22) days before the date set for the opening of bids, and such advertisement shall state that sealed proposals will be received by the state purchasing department, up to a time to be mentioned therein, for furnishing supplies for such state offices, boards, commissions, departments or institutions, which notice shall also state that detailed statements of supplies to be furnished are on file at the office of the state purchasing department and subject to inspection, and shall also specify that at a certain time, to be therein mentioned, said proposals will be opened, and contracts awarded to the lowest responsible bidder.

Advertising for bids.

On purchases where the estimated expenditure is less

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than two thousand dollars ($2000.00), bids shall be secured without advertising, but the state purchasing agent shall solicit bids for such supplies by notice sent by mail to prospective suppliers whose names are listed as hereinbefore provided, which notice shall contain the same information as is herein required to be set forth in advertisements.

Bids to be secured without advertising.

In the case of all bids as herein provided, there shall be separate proposals and separate contracts. Each proposal shall be accompanied by sample supplies proposed to be furnished; ample in quantity, to be divided, a part thereof, in case of award, to be kept in the office at the capitol and a part thereof, in case of award, to be sent to the place of intended delivery. The proposals shall be in writing, sealed and marked, 'proposals for furnishing supplies', and shall be addressed to the state purchasing agent, Helena, Montana.

Proposals.

At the time *set for the opening of bids,* said proposals shall be opened in public, and contracts awarded to the lowest responsible bidder. The department shall have the right to reject any and all bids. If all proposals be rejected, proposals shall again be invited and proceeded with in the same manner; *provided, however, that in such event, the state purchasing agent may, with the approval of the governor, purchase such supplies on the open market if they can be so purchased at a better price.*

With any proposal the state purchasing agent may require a certified check on some responsible bank, payable to the treasurer of the State of Montana, equal in amount to 5 per cent of the sum of such proposal, as a guarantee for the faithful performance of any contract awarded. *After the award is made, all checks deposited as a guarantee shall be returned, except that of the successful bidder whose check shall be held until contract signed and bond filed and approved, if bond be required.* All proposals shall include the delivery of the supplies to the departments and institutions for which they are purchased.

Certified check may be required of bidder.

The state officers, superintendent, commissioners, departments or institutions, shall not have the authority to purchase any supplies or material, except on approval of the state purchasing agent."

Approval of purchasing agent required.

Section 3. That all acts and parts of acts in conflict herewith, are hereby repealed.

Repealing clause.

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Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 70

An Act to Amend Section 1743.1, Revised Codes of Montana, 1935, Relating to Vehicles Carrying Explosives or Passengers for Hire to Stop at Railroad Crossings.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1743.1 R. C. Mont. 1935 amended.

Section 1. That Section 1743.1, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Vehicles carrying explosives or passengers for hire to stop at railroad crossings.

"1743.1. **Vehicles Carrying Explosives or Passengers for Hire to Stop at Railroad Crossings.** The driver of any motor truck carrying explosive substances *or* inflammable liquids, as a cargo or part of a cargo, or any motor bus carrying passengers for hire, before crossing at grade any track or tracks of a railway, shall stop such vehicle not less than ten feet or more than fifty feet from the nearest rail of such track, and while so stopped shall both look and listen in both directions along such track for approaching railway trains or cars before traversing such crossing. The provisions of this act shall not be deemed to apply at the crossing of a street or highway and street railway tracks, or to railway tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 71

An Act to Amend Section 10,030, Revised Codes of Montana, 1935, Relating to Proof of Wills When There is No Contest.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10,030 R. C. Mont. 1935 amended.

Section 1. That Section 10,030 of the Revised Codes of

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Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 10,030. **Proof Required When No Contest.** If no person appears to contest the probate of a will, the court or judge may admit the same to probate: Proof required when no contest.

(a) On the testimony of one of the subscribing witnesses only if he testifies that the will was executed in all particulars as required by law, and that the testator was of sound mind at the time of its execution. Testimony of one of the subscribing witnesses.

(b) If it appears at the time *of the filing of the petition to have the will proved* that none of the subscribing witnesses reside in the county, and that the deposition of one of the witnesses to the will can be taken elsewhere, the court may direct it to be taken and may authorize a photographic copy of the will to be made and presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator, and the other witness, as would be pertinent and competent if the original will were present. Deposition of one of the subscribing witnesses.

(c) If none of the subscribing witnesses reside in the county at the time appointed for proving the will, and it is made to appear to the court that the execution of the will cannot be proven under either of the foregoing subdivisions of this section, the court may admit the testimony of other witnesses to prove the sanity of the testator and the execution of the will; and, as evidence of such execution, it may admit proof of the handwriting of the testator and of the subscribing witnesses, or any of them." Testimony of witnesses other than subscribing witnesses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 25, 1949.

CHAPTER 72

An Act to Amend Section 5095, Revised Codes of Montana, 1935, as Amended by Chapter 152 of the Laws of the Thirtieth Legislative Assembly, 1947, Relating to Establishment and Supervision Over the Police Department

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in All Cities and Towns, Save and Except Where This Act is in Conflict With the Commission Form of Government and Provided When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5095, R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5095, Revised Codes of Montana, 1935, as amended by Chapter 152 of the Session Laws of 1947, be, and the same is hereby amended to read as follows:

Police department required in cities and towns.

"Section 5095. There shall be in every city and town of this state a police department which shall be organized, managed and controlled as in this act provided, said act (being Section 5095 to *Section* 5108.17, Revised Codes of Montana, 1935, as amended), shall in all respects be applicable to and shall govern and control police departments in every such city or town organized under any form of municipal government *save and except where this act is in conflict with the commission form of government, provided for in Chapter 407 of the Revised Codes of Montana, 1935, and amendments thereto; and where the provisions of this act do conflict with the provisions of said Chapter and the amendments thereto pertaining to the commission form of government, then the provisions pertaining to the commission form of government shall prevail.*"

Exception in favor of commission form of government.

Effective date.

Section 2. This act shall be in full force and effect from and after May 2, 1949.

Approved February 25, 1949.

CHAPTER 73

An Act to Amend Section 5109, Revised Codes of Montana, 1935, as Amended by Chapter 4 of the Laws of the Twenty-fifth Legislative Assembly, 1937, as Amended by Chapter 151 of the Laws of the Thirtieth Legislative Assembly, 1947, Pertaining to the Establishment and Supervision of a Fire Department in All Cities and Towns, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5109 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5109, Revised Codes of Montana, 1935, as amended by Chapter 4 of the laws of the

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twenty-fifth legislative assembly, 1937, as amended by Chapter 151 of the laws of the thirtieth legislative assembly, 1947, be, and the same is hereby amended to read as follows:

"Section 5109. There shall be in every city and town of this state a fire department, which shall be organized, managed and controlled as in this act provided, said act (being Section 5109 to 5140, Revised Codes of Montana, 1935, as amended, and the provisions of Chapter 15 of the laws of the twenty-fifth legislative assembly, 1937, and all of the provisions of Chapter 136 of the laws of the twenty-sixth legislative assembly, 1939) shall in all respects be applicable to and shall govern and control fire departments in every such city or town organized under whatever form of municipal government *save and except where this act is in conflict with the commission form of government, provided for in Chapter 107 of the Revised Codes of Montana, 1935, and amendments thereto; and where the provisions of this act do conflict with the provisions of said chapter and the amendments thereto pertaining to the commission form of government, then the provisions pertaining to the commission form of government shall prevail.*"

Fire department required in cities and towns.

Exception in favor of commission form of government.

Section 2. This act shall be in full force and effect from and after May 2, 1949.

Effective date.

Approved February 25, 1949.

CHAPTER 74

An Act to Amend Section 2434 of the Revised Codes of Montana, 1935, as Amended by Chapter 94 of the Twenty-ninth Legislative Session of 1945, Relating to the Procuring of Licenses and the Fee for Such Licenses for Bowling Alleys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2434 of the Revised Codes of Montana, 1935, as amended by Chapter 94 of the laws of the twenty-ninth legislative assembly of 1945, be, and the same is hereby amended to read as follows:

Sec. 2434 R. C. Mont. 1935 as amended, further amended.

"Section 2434. **Billiard Tables — Pawnbrokers — Theaters — Intelligence Offices — Shooting Gallery.**

License required.

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License must be obtained for the purposes hereinafter named, for which the county treasurer must require payment as follows:

Billiard table.

1. Each proprietor of a billiard, pool, or bagatelle table not kept exclusively for family use, for each table three dollars and seventy cents *($3.70)* per quarter, but no license must be granted for a term less than three (3) months; and for a bowling alley *ten dollars ($10.00)* annually for each alley.

Theater.

2. The manager or lessee of every theater (not a variety or concert theater) one hundred dollars *($100.00)* per annum; except that in towns of a population of three thousand five hundred *(3500)* or less, in cases where no monthly license is paid, a license of two dollars *($2.00)* for each single performance must be paid; for each single exhibition of opera or concert singer (not exhibited in any theater where a yearly license is paid), three dollars *($3.00)*; for minstrels, legerdemain, or shows not herein provided for, five dollars *($5.00)* for each single performance (when not in a theater where a yearly license is paid); for each variety or concert theater, whether an admittance fee is charged or not, seventy-five dollars *($75.00)* per month; for every circus or menagerie, including side-shows, one hundred and twenty-five dollars *($125.00)* per day; but no license must be collected from any amateur exhibition or concert for school or charitable or religious purposes, from any county, district or state agricultural fairs, rodeo associations, or from any veterans organizations not conducted for private gain.

Circus.

Time for circuses, etc., restricted.

Provided the county treasurer shall not issue any license for circuses, side-shows, carnivals, menageries, wild west shows, animal shows or tent shows to be held or performed within a period of thirty days just prior to or during the holding of any local, county, district or state fair or rodeo without first obtaining the written consent of the board of county commissioners of the county where application is made for such licenses to operate such shows.

Pawnbroker.

3. For each pawnbroker, fifty-five dollars *($55.00)* per quarter.

Intelligence office.

4. For each keeper of an intelligence office, ten dollars *($10.00)* per quarter.

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5. For each keeper of a shooting gallery, for gain, fifteen dollars *($15.00)* per quarter." Shooting gallery.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 25, 1949.

CHAPTER 75

An Act Amending Section 646 of the Revised Codes of Montana, 1935, Relating to Election Records, by Changing the Length of Time Ballots and Records Must be Kept from Two (2) Years to One (1) Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 646 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 646 R. C. Mont. 1935 amended.

"646. Such registers of candidates for nomination, and of nominations and petitions, letters and notices, and other writings required by law as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll-books, tally sheets, ballots, and ballot stubs pertaining to primary nominating elections under the provisions of this act shall be preserved as other records are for *one (1)* year after the election to which they pertain, at which time, unless otherwise ordered or restrained by some court, the county clerk shall destroy the ballots and ballot stubs, by fire, without any one inspecting the same." Registers of candidates are public records. Disposition of poll books, tally sheets, ballots, etc.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 25, 1949.

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CHAPTER 76

An Act Authorizing the State and Counties to Take Advantage of Federal Activities and Grants in the Control and/or Eradication of Grasshoppers; Authorizing Any County of the State and the State Entomologist to Enter Into Cooperative Agreements with the Federal Bureau of Entomology and Plant Quarantine, Division of Grasshopper Control; Authorizing Expenditure of State and County Funds in Payment of Materials Purchased By Said Federal Bureau; Providing an Appropriation of Fifty Thousand Dollars ($50,000.00); Providing the Manner of Expenditure of Said Fund; Defining the Duties of the State Entomologist, the Board of Examiners, and the State Auditor; Declaring an Emergency and Repealing All Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

Section 1. Whereas, the Federal Bureau of Entomology and Plant Quarantine, Division of Grasshopper Control in cooperation with the State Entomologist of the State of Montana, after a survey has reported that certain contiguous areas of range land within the state are heavily infested with grasshoppers, and

Whereas, such infestation is of such magnitude that owners of land are unable to cope with the situation, even with county assistance, and

Whereas, these infested areas, though being sources of potential mass migrations, constitute a grave threat to other sections of the state, and

Whereas, the Federal Bureau of Entomology has set up a pest control program and is authorized to expend the sum of One Hundred Thousand Dollars ($100,000.00) in the State of Montana on a matching basis with the state and counties, the said Bureau to make the purchases of bait and other material, provide and operate bait mixers, trucks and personnel for the hauling of bait, and provide the aircraft and personnel for spreading said bait. It is hereby declared to be a public policy that this State and the several counties of the state cooperate with the Federal Bureau of Entomology and Plant Quarantine, Division of Grasshopper Control, in and for the control and/or

Public policy declared.

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eradication of grasshoppers in those areas where the infestation constitute a threat.

State entomologist and counties authorized to co-operate with the federal bureau of entomology and plant control, grasshopper division.

Section 2. The State Entomologist of the State of Montana, and the several counties of the state are hereby authorized and empowered to cooperate with the Federal Bureau of Entomology, and Plant Control, Grasshopper Division, and enter into agreements therewith for the purpose of controlling and/or eradicating the grasshopper pest in those areas where the infestation of such pest constitutes a threat to the land, and crops in such area, and the said counties are hereby authorized to use funds raised by taxation as now provided by law for the purpose of matching funds made available by said Federal Bureau and the State of Montana for such purpose.

Appropriation.

Section 3. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Fifty Thousand Dollars ($50,000.00) or so much thereof as may be necessary for the purposes herein set forth.

Use of funds appropriated.

Section 4. The funds hereby appropriated are to be used only in cooperation with the several counties of the state in matching funds of the Federal Bureau of Entomology, Division of Grasshopper Control, allocated to the state, in payment of materials purchased and used by said Bureau in its program of control and eradication of the grasshopper pest in any area of the State of Montana under any contract or agreement herein authorized.

Warrants on fund on verified and approved claims.

Section 5. The State Auditor is hereby authorized to draw warrants on said fund on verified claims submitted by the State Entomologist and approved by the State Board of Examiners.

Effective date.

Section 6. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Budget act not applicable.

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

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CHAPTER 77

An Act to Amend Section 434, Revised Codes of Montana, 1935, Relating to Oath of Office, Where Filed.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 434 R. C. Mont. 1935 amended.

Section 1. That Section 434, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Oath of office, where filed.

"Section 434. **Oath of Office, where Filed.** Every oath of office, certified by the officer before whom the same was taken, must be filed within the time required by law, except when otherwise specially provided, as follows:

In office of secretary of state.

(1) The oath of all officers whose authority is not limited to any particular county, in the office of the secretary of state.

In the office of the clerks of respective counties.

(2) The oath of all officers, elected or appointed for any county, and of all officers whose duties are local, or whose residence in any particular county is prescribed by law, and of the clerks of the district courts, in the offices of the clerks of the respective counties.

Oath of office of judge of district court.

(3) Each judge of a district court must, *as* soon as he has taken and subscribed his official oath, file *the same* in the office of the secretary of state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 78

An Act to Amend Section 5108.7 of the Revised Codes of Montana, 1935, as Amended by Chapter 78 of the Montana Session Laws of 1937, Relating to the Tax Levy for the Payment of Police Reserves in Cities and Towns of the First and Second Class in the State of Montana and Specifying the Limitation of Such Levies.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5108.7 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5108.7 Revised Codes of Montana, 1935, as amended by Chapter 78 of the Montana

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Session Laws of 1937, be, and the same is hereby amended to read as follows:

"Section 5108.7. For the purpose of paying the salaries of policemen who have been placed upon the reserve list of the cities of the first and second class, the city or town council, or commissioners, shall in the manner provided for by law, and at the time of the levy of the annual tax, levy such special tax of not to exceed one (1) mill on the dollar upon the assessed valuation of all taxable property within the limits of said city or town, which said tax shall be collected as other taxes and when so collected, shall be paid into the fund created for the payment of such salaries of police officers upon the reserve list.

Fund for payment of salaries of officers on reserve list.

Annual tax levy by city.

Collection and disposal.

However, in case the demand against such fund shall be heavier than said levy can provide, then and in such case such additional levy of not to exceed one (1) mill may be made until such returns from the first mill levy be sufficient to meet the demand."

Additional levy, when authorized.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 24, 1949.

CHAPTER 79

An Act to Amend Section 681 of the Revised Codes of Montana, 1935, As Last Amended By Section 1, Chapter 141, Session Laws of Montana of 1947, Relating to the Preparation of Election Ballots and Regulating Their Form, Color, Size and Use, the Placing of Names Thereon, and Other Matters Pertaining Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 681, Revised Codes of Montana, 1935, as last amended by Section 1, Chapter 141, Session Laws of Montana of 1947, be, and the same is hereby amended to read as follows:

Sec. 681 R. C. Mont. 1935, as amended, further amended.

"Section 681. Ballots for all general elections prepared under the provisions of this Chapter must be white in color and of a good quality of paper and the names must be printed thereon in black ink. The ballots used in any

Color and size of ballots.

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one county must be uniform in size, and every ballot must contain the name of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of law and no other names, except that the names of candidates for president and vice-president of the United States shall appear on the ballot as provided for by Section 813 of the Revised Codes of Montana, 1935.

Names and party of candidates to be printed on ballots.

(A) The name of each candidate nominated shall be printed upon the ballot in but one place and there shall be added after and directly opposite to the name of each candidate nominated, the party or political designation contained in the certificate or nomination of such candidate in not more than three (3) words, except that the political designation of electors for president and vice-president of the United States shall be opposite the whole list thereof, and the names of candidates for chief justice, associate justices, and district court judges shall each be followed by the following words directly underneath the name of the candidate: 'Nominated without party designation'. It is provided, however, that whenever any person is nominated for the same office by more than one party the designation of the party which first nominated him shall be placed opposite his name unless he declines in writing, one or more of such nomination, or by written election indicates the party designation which he desires printed opposite his name; or if he is nominated by more than one party at the same time he shall within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation which he desires printed opposite his name, and it shall be so printed. If he shall fail or neglect to file such an election no party designation shall be placed opposite his name.

Persons nominated by more than one party.

Arrangement of names of candidates.

(B) The names of all candidates shall be arranged alphabetically according to surnames under the appropriate title of the respective offices. It is provided, however, that, while all of the candidates for the particular office shall remain together in the same box, yet the candidates of the two major parties shall appear on the ballot before and above the candidates of the minor parties and independent candidates. For the purpose of designating the candidates of the two major parties, they

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shall be those candidates of the two parties whose candidates for governor, excluding independent candidates, have been either first or second, (by receiving the highest or next highest number of votes cast for the office of governor at the particular election) the greatest number of times at the next preceding four (4) general elections. In case of a tie in the number of first or second places, the determination shall be made by going back enough preceding elections to break the tie and no farther. All other candidates shall be designated as either independent candidates or as belonging to minor parties. When two or more persons are candidates for election to the same office, including presidential and vice-presidential candidates, it shall be the duty of the county clerk in each of the counties of the state to divide the ballot forms provided by the law for the county, into sets so as to provide a substantial rotation of the names of the respective candidates as follows:

Rotation of names of candidates.

He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for any office, and he shall so arrange said sets that the names of the candidates shall, beginning with a form arranged in alphabetical order, (for the purposes of rotation of presidential and vice-presidential candidates, the office of president and vice-president, together with presidential electors shall be considered as a group and alphabetized under the name of the candidate for president), be rotated by removing one name from the top of the list for each office and placing said name or number at the bottom of that list for each successive set of ballot forms; provided, however, that no more than one of said sets shall be used in printing the ballot for use in any one precinct, and that all ballots furnished for use in any precinct shall be of one form and identical in every respect. It is further provided that candidates of the two major parties as hereinabove defined shall be rotated as one group and the candidates of the minor parties and independent candidates shall be rotated as another group so that the candidates of the two major parties for a particular office shall appear on the ballot before and above any candidates of the minor parties or independent candidates.

(C) Each ballot shall contain at the top the stub as provided by Section 684, Revised Codes of Montana, 1935,

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Columns and material to be printed upon ballots.

and directly underneath the perforated line shall be the following in bold face type, 'VOTE IN ALL COLUMNS'. Each ballot shall contain two (2), and not more than two (2) columns for the election of state, national, county and township officers. The first two columns and no others shall be used for the election of officers. Provided, however, that a third column and as many additional columns as may be necessary shall be used for constitutional amendments, and initiative and referendum measures which do not involve the creation of a state levy, debt or liability. In the first column and the left, which shall be designated at the head with the words, 'STATE AND NATIONAL', in large bold face type, shall be listed all candidates for state and national offices, including supreme court justices, and district court judges, and in the second column, which shall be designated at the head with the words, 'COUNTY AND TOWNSHIP', in large bold face type, shall be listed all candidates for the legislative assembly, county and township offices. The third column and any additional column shall be designated at the head with the words 'INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS', in large bold face type, and listed thereunder shall be all proposed constitutional amendments and measures to be voted on by the people at such election which do not involve the creation of any state levy, debt or liability. All proposed constitutional amendments, initiative and referendum measures or other measures which do not involve the creation of any state levy, debt or liability, may be submitted to the voters on the official ballot upon the form provided for in Subsection F of this section. All such measures which involve the creation of a state levy, debt or liability shall be submitted to the qualified voters upon a separate official ballot in substantial conformity with the form provided for by Subsection F of this section, for the submission of such measures. In case there are no such measures to be submitted, said third column shall be eliminated. The columns shall be separated by two straight lines at least one-half inch apart.

What measures may be submitted to the voters.

Other matter to be placed on ballot.

(D) At the bottom of the first column, or the column to the left, there shall be placed the following words, 'VOTE FOR COUNTY AND TOWNSHIP OFFICES IN THE NEXT COLUMN'. At the bottom of the second column, if there be any initiatives, referendums or consti-

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tutional amendments, and every column except the last column, there shall be the following words, 'VOTE ON INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS IN THE NEXT COLUMN'.

Order of placement of state and national offices in first column.

(E) The order of the placement of the offices on the ballot in the first column, or to the left, designated 'STATE AND NATIONAL', shall be as follows: 'president and vice-president, together with the presidential electors; United States senator; United States representative in congress; governor; lieutenant governor; secretary of state; attorney general; state treasurer; state auditor; railroad and public service commissioners; state superintendent of public instruction; clerk of the supreme court; chief justice of the supreme court; associate justice or justices of the supreme court; district court judges'; provided, however, that in the years in which any of such offices are not to be elected, such offices shall not be designated, but the order of those offices to be filled shall maintain their relative positions as herein provided.

Order of placement of county and township offices in second column.

In the second column, designated, 'COUNTY AND TOWNSHIP', the following order of placement shall be observed: 'state senator; member or members of the house of representatives; clerk of district court; county commissioner; county clerk and recorder; sheriff; county attorney; county auditor'. Such other offices to be elected shall be placed following the foregoing in the order deemed most appropriate by the county clerk. In the third column constitutional amendments shall come first with referendum and initiative measures following.

Other matter on ballot.

(F) In case of a short term and a long term election for the same office, the long term office shall precede the short term. The ballots shall be so printed as to give each voter a clear opportunity to designate his choice of candidates by a cross mark, (X) in a square at the left of the name of each candidate. Above each group of candidates for each office shall be printed the words designating the particular office in bold face capital letters and directly underneath the words, 'VOTE FOR' followed by the number to be elected to such office. As nearly as possible the ballot shall be in the following form: (Stub hereinafter provided for by Section 684.)

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Perforated Line

VOTE IN ALL COLUMNS

STATE AND NATIONAL	COUNTY AND TOWNSHIP	INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS.
To Vote for the Presidential Electors of Any Party, the Voter Shall Place a Cross In the Square Before the Names of the Candidates for President and Vice-President of said Party. **FOR PRESIDENTIAL ELECTORS TO VOTE FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.** **VOTE FOR ONE** For President Democrat of the United States. ☐ JOHN DOE For Vice-President of the United States. ☐ RICHARD ROE For Presidential Electors: Jane Doe, Helen Doe, Pete Moe, Milton Moe. (Same with other candidates for President and Vice-President together with blank space for write-in.) **FOR UNITED STATES SENATOR** **VOTE FOR ONE** ☐ Frank Roe Democrat ☐ Guy Doe Republican ☐ ..... (Same for Congressmen, Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Railroad and Public Service Commissioners, State Superintendent of Public Instruction, and Clerk of the Supreme Court.) **FOR CHIEF JUSTICE OF THE SUPREME COURT** **VOTE FOR ONE** ☐ Richard K. O'Doe (Nominated without party designation.) ☐ Tom Row (Nominated without party designation.) ..... (Continued in like manner for Associate Justice and Judges of the District Court.) **(VOTE FOR COUNTY AND TOWNSHIP OFFICERS IN THE NEXT COLUMN.)**	**FOR STATE SENATOR** **VOTE FOR ONE** ☐ Bill Doe Republican ☐ John Roe Democrat ..... **FOR A MEMBER OF THE HOUSE OF REPRESENTATIVES** **VOTE FOR TWO** ☐ Allen Doe Republican ☐ Frank Doe Republican ☐ A. R. Roe Democrat ☐ Ole Roe Democrat .... (Continued in like manner for all county and township officers.) **(VOTE ON INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS IN THE NEXT COLUMN.)**	**CONSTITUTIONAL AMENDMENTS** .... ☐ For the Amendment ☐ Against the Amendment **REFERENDUM NO. 1** .... ☐ For Referendum No. 1 ☐ Against Referendum No. 1 **INITIATIVE NO. 1** .... ☐ For Initiative No. 1. ☐ Against Initiative No. 1.

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and continuing in like manner as to all candidates, constitutional amendments, initiatives, and referendums voted on at such election."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Sectoin 3. This act shall take effect upon its passage and approval.

Approved February 26, 1949.

CHAPTER 80

An Act to Amend Section 10400.20 of the Revised Codes of Montana, 1935, Relating to Notices on Matters Pertaining to Determination of Inheritance Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10400.20 R. C. Mont. 1935 amended.

Section 1. That Section 10400.20 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Notice of hearing.

"Section 10400.20. **Notice of Hearing.** Notice of such hearing to determine the inheritance tax shall be given in the same manner and may be included in the notice of hearing the administration account, as provided by law. *A copy of the application for exclusion of any property to avoid inheritance tax thereon shall be given with notice of hearing thereof, and* notice of *any* such hearing shall be mailed to the state board of equalization not less than *fifteen (15)* days before such hearing, upon *notice forms provided by said board* and containing such information as *it may require.*"

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1949.

CHAPTER 81

An Act to Amend Subsection (d) of Section III of Part V of Chapter 82 of the Laws of 1937 Relating to Eligi-

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bility for Aid to Needy Blind and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Subsec. (d) of Sec. III, part V, Chap. 82, laws of 1937 amended.

Section 1. That subsection (d) of Section III of part V of Chapter 82 of the laws of 1937 be amended to read as follows, to-wit:

Eligibility for aid.

"Section III. Aid shall be granted under this part to any person who:

Vision of applicant.

(a) Has no vision or whose vision, with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who has been examined and so certified by a fully licensed ophthalmologist.

Inadequate income.

(b) Has income which, when added to the contribution in money, substance or service from legally responsible relatives or others, is inadequate to provide a reasonable subsistence compatible with decency and health.

Not receiving old age assistance.

(c) Is not receiving old age assistance for himself/or herself.

Residence in county.

(d) Has resided in and been an inhabitant of the county in which application is made for at least one (1) year immediately preceding the date of the application. Any person otherwise qualified who has resided in the state for five (5) years or more within the nine (9) years immediately preceding the application, one (1) year of which state residence shall have been immediately prior to the date of the application, and who has no legal county residence, shall file his application in the county in which he is residing, and his assistance shall be paid entirely from state funds until he can qualify as having a legal residence in the said county. For the purpose of this act, every person who has resided one (1) year or more in any county in this state shall thereby acquire a legal residence in such county, which he shall retain until he has acquired a legal residence elsewhere, or until he has been absent voluntarily and continuously for one (1) year therefrom. *Provided, however, that any child or person under the age of 21 years who has become blind while living in Montana shall be eligible for aid under the provisions of this act without residence requirements.*

How legal county residence acquired.

Exception respecting blind persons under age of 21 years.

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(e) Is not at the time of receiving assistance an inmate of any public institution, except in the case of temporary medical or surgical care in a hospital. Inmate of institution.

(f) Has not made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions of this act." Assignment of property.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 25, 1949.

CHAPTER 82

An Act to Amend Sections 1529 and 1533, Revised Codes of Montana, 1935, and Section 1535, Revised Codes of Montana, 1935, as Amended by Chapter 81, Session Laws, 1945, Relating to the Montana Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1529 of the Revised Codes of the State of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 1529 R. C. Mont. 1935 amended.

"1529. **Board of Managers.** The general supervision and government of said home shall be vested in a board of managers, to consist of five members. one of whom shall be the department commander of the Grand Army of the Republic of the State of Montana, or in case the office of department commander of the Grand Army of the Republic of the State of Montana shall be at any time abandoned or discontinued then the department commander of the Spanish American War Veterans of the State of Montana for the time being shall be a member of the board, and the remaining four shall be appointed by the governor, by and with the advice and consent of the senate. Of the four members so appointed as aforesaid, two shall hold their office for the term of four *(4)* years and two *(2)* for the term of two years respectively, and until their successors are appointed and qualified. The governor, at the time of the making of the said appointments, shall designate the period for which each member is Board of managers. Term of appointed members.

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appointed, and thereafter every two *(2)* years the governor shall appoint two *(2)* members of said board of managers, who shall hold their office for the term of four years, and until their successors are appointed and qualified. The governor shall have the power to remove any member of the board for inefficiency or other good and sufficient cause, and in case of any vacancy in said board by death or otherwise, the governor shall appoint a suitable person to fill the vacancy for the unexpired term. *All* members of said board of managers shall be ex-soldiers, sailors *or marines* of the United States, and one of the board shall be a regular practicing physician, duly licensed under the laws of the State of Montana."

Removal for cause.

Qualifications.

Sec. 1533 R. C. Mont. 1935 amended.

Section 2. That Section 1533 of the Revised Codes of the State of Montana, 1935, be, and the same is hereby amended to read as follows:

Commandant, qualification and salary of.

"1533. **Commandant — Subordinate Officers — Salaries — Discharge.** The Board of Managers shall appoint a commandant of the soldiers' home, who shall receive a salary not to exceed two hundred dollars ($200.00) per month, who shall be a resident of the State of Montana, and shall have served *as a soldier, sailor or marine* in the army or navy of the United States during the Spanish American war, or *the war known as World War I,* and shall have received an honorable discharge therefrom.

Rules and regulations.

They shall formulate and publish all necessary rules and regulations to be reasonably and impartially enforced by the commandant of the home, subject to appeal to the board of managers.

Subordinate officials and employees, qualifications.

All subordinate officials and employees of the home shall preferably be selected from residents of the state who have served in the army or navy of the United States and have been honorably discharged therefrom.

Salaries.

The salaries of the commandant and all subordinate officials and such other employees as may be necessary shall be fixed by said board of managers; provided, that the compensation so paid shall in no case exceed such reasonable and necessary compensation as is paid for like services in similar institutions.

Suspension or discharge of employees.

Any such subordinate official or employee may be suspended or discharged by such commandant for inefficiency

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or misconduct and a statement of the case shall be reported to the said board, who shall upon application offer such official or employee a hearing, and the action thereon of the board shall be final."

Sec. 1535 R. C. Mont. 1935 as amended, further amended.

Section 3. That Section 1535 of the Revised Codes of the State of Montana, 1935, as amended by Chapter 81, Session Laws, 1945, be, and the same is hereby amended to read as follows:

Persons eligible for admission to Montana Soldiers Home.

"Section 1535. Any soldier, sailor or marine, who served in the army or navy of the United States during the late Civil war, or in the Mexican war, or during any troubles between the United States and the government of Mexico, or the people of Mexico, or in the late war with Spain, or in any insurrection in the Philippine islands, or during the Boxer troubles with China, or who, within the borders of the territory of Montana, served in the Sioux war of 1875 of the Nez Perce war of 1877, or any person who served with the United States army in the campaign of 1890 and 1891 against the Sioux and Cheyenne Indians or other Indian campaigns within the borders of the State of Montana, or during the war with Germany and Austria, or who served in Russia, Siberia, or any other foreign country during the war with Germany and Austria, or any person who served in any branch of the military service of the United States during the current World War, known as World War II, or who while a citizen of the United States, served in the army or navy, or other branch of the military establishment of any of the allies of the United States and has returned to and lives in Montana, or during any troubles arising or growing out of any such war or wars, and has received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, old age, or by reason of other disability, and who has become unable to earn a livelihood by reason thereof, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the board of managers thereof, *and be provided with agricultural facilities under competent management,* on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside; and the transportation of such applicant to said soldiers' home shall be a proper county charge, and be paid by said county if the applicant is

Certificate of disability.

Transportation of applicant.

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unable to pay the same; provided, that the benefits of said home shall not be extended to anyone who has not resided within the State of Montana for a period of one (1) year next preceding the date of his application, or to anyone who has not resided within the county from which he asks to be sent to the home for the period of three (3) months from the date of his application, nor to anyone convicted of a felony or of a crime involving moral turpitude, nor shall anyone who has been an habitual drunkard be received without sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to the said board of managers; provided, further, that in case said soldiers' home shall not have the capacity to receive all persons designated here, that veterans of the Civil War shall have preference as to admission."

Persons not entitled to benefits of the home.

Preference favoring civil war veterans.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 83

An Act Providing for the Further Conservation and Protection of Forests and Forest Lands; Providing for the Method or Methods of Slash and Debris Treatment, Protection or Disposal and Amending Sections 2778.6 and 2778.7 of the Revised Codes of Montana, 1935, as Amended by Chapter 34, of the Session Laws, 1941.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2778.6 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2778.6 of the Revised Codes of Montana, 1935, as amended by Chapter 34, Session Laws, 1941, be, and the same is hereby amended to read as follows, to-wit:

Disposal of slashings.

"Section 2778.6. **Disposal of Slashings.** Every person, firm or corporation, *hereinafter called the operator*, who shall hereafter, *for commercial purposes*, cut any timber, logs, *trees*, posts, ties, poles, cordwood, pulpwood or any other forest product upon *any* lands within the State of Montana, shall remove any *forest* fire hazard to the property of others *that may be* created by the slashings, *or other forest debris* incident to such cutting *operations*. Provided, *however*, that an expenditure in excess of *sev-*

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enty-five cents (75c) for each one thousand (1000) feet *log scale,* or the equivalent thereof *if products other than logs are cut,* shall not be required. *Slash and debris will be disposed of during the cutting operations or as soon thereafter as is practical.* Provided, *however,* that any fire hazard to the property of others created by said *slash and debris shall under no condition be allowed to remain for more than one year in any portion of the cutting area except with written permission of the state forester. If and when the operator has satisfactorily disposed of said slash or debris in accordance with the law and the rules and regulations of the state board of forestry he will be so notified, in writing, by the state forester.*

Election by operator to have slash and debris disposed of by state forester.

Any operator, as defined herein, may elect to have said slash and debris, incident to his cutting operations treated, protected or disposed of by the state forester under the rules and regulations of the state board of forestry. Said operator will deposit with the state forester the estimated costs of such disposal at such times and in such amounts as the state forester may direct, but in no event shall such deposit or payment exceed, in the aggregate, an amount equal to seventy-five cents (75c), multiplied by the number of thousand of feet log scale cut from the forest area involved. The state forester will refund to said operator all sums deposited over and above costs of slash and debris treatment, protection or disposal.

Purchaser to give notice to state forester.

Each person, firm or corporation, *hereinafter called the purchaser,* who shall hereafter purchase or contract to purchase *any timber,* logs, *trees,* ties, posts, poles *or other forest products* cut from *any* forest lands within the State of Montana, shall within five (5) days after making said purchase or contract to purchase, *notify the state forester of such purchase or contract together with the name of the person furnishing said forest products and the name of the owner of the land from which said products are cut. Each* purchaser shall withhold, *before* making payment for such products a sum equal to *seventy-five cents (75c)* for each thousand (1000) feet *log scale or the equivalent thereof if forest products other than logs are to be cut under such contract, unless the state forester has notified said purchaser that slash and debris from the cutting operator furnishing the forest products has been disposed of, or that the cutting operator has compiled with the law. When*

Sum to be withheld.

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the state forester is satisfied that said slash and debris, creating a fire hazard to the property of others, has been or will be legally treated, protected or disposed of by the cutting operator in accordance with the requirements of law and of the rules and regulations of the state board of forestry, he will release said money withheld by purchaser to insure compliance with the law. If, on or before the conclusion of said purchase or contract to purchase, the state forester has not released said withheld moneys the purchaser shall, upon demand, immediately remit the moneys withheld to the state forester. The state forester will issue receipt, therefore, to the purchaser. Said receipt shall discharge the purchaser from any and all liability for moneys withheld *from cutting operator in the amounts shown by said receipt. The state forester shall retain such moneys as a surety covering treatment, protection or removal of said slash and debris or may, at his discretion procure the treatment, protection or disposal of said slash and debris by applying said money, or so much thereof as may be necessary in payment of the costs of such abatement.''*

Sec. 2778.7 R. C. Mont. 1935, as amended, further amended.

Section 2. That Section 2778.7 of the Revised Codes of Montana, 1935, as amended by Chapter 34, of the Session Laws, 1941, is hereby amended to read as follows, to-wit:

Slashings lien.

''Section 2778.7. **Slashings Lien.** If any *operator* shall fail, refuse or neglect to remove, *treat or protect* slash hazards hereafter created in accordance with the requirements *of law and of the rules and regulations of the state board of forestry* within a period of thirty (30) days after the date of a written order to remove, *treat or protect* such slash hazards, the state forester may procure the removal of the slashings, or such part thereof as he shall deem necessary and he shall immediately afterwards notify the *operator* that had failed to remove the slash hazards, *of* the cost of their removal and demand payment of the cost thereof, which shall not be in excess of *seventy-five cents (75c)* per thousand (1000) feet *log scale* or the equivalent thereof, *if forest products other than logs have been cut,* plus ten per cent (10%) to cover additional costs incurred by the state. If payment of the sum demanded be not made to the state forester within thirty (30) days after the date of such demand, the state forester must transfer all papers relative to the unsatisfied demand for payment

Amount.

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to the attorney general of the state, who shall bring legal action on behalf of the state to recover the debt. If the amount expended by the state forester for the removal, *treatment or protection* of the slashings be not paid within the time herein required, a lien as security for the amount of the debt shall attach to the land on which the slashings were created and/or the timber or other forest products cut or produced from such land from and after the date that notice of such lien shall be filed by the state forester in the office of the clerk and recorder of each county in which said land is situated.

Notice of lien to be filed.

Violation of any of the provisions of Section 2778.6 or Section 2778.7 as amended, shall be a misdemeanor and be punishable by a fine of not more than five hundred dollars ($500.00). Such offender may be enjoined at the instance of the state board of forestry from proceeding with any cutting in violation of the provisions of any law enacted for the protection of property from fire hazard, or of the rules and regulations of the state board of forestry."

Penalty.

Section 3. This act shall be in full force and effect from and after July 1, 1949.

Effective date.

Approved February 25, 1949.

CHAPTER 84

An Act to Amend Section 9327 of the Revised Codes of Montana of 1935, As Amended By Chapter 61 of the 1939 Session Laws, Relating to Issues of Fact — How Tried — When Issues Both of Law and Fact, the Former to Be First Disposed of, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9327 of the Revised Codes of Montana of 1935, as amended by Chapter 61 of the 1939 Session Laws, be, and the same is hereby amended to read as follows:

Sec. 9327 R. C. Mont. 1935, as amended, further amended.

"Section 9327. **Issues of Fact — How Tried — When Issues Both of Law and Fact, the Former to Be First Disposed of.**

Cases in which issue of fact must be tried by jury.

In actions for the recovery of specific real or personal

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property, with or without damages, or for money claimed as due upon contract, or as damages for breach of contract, or for injuries, an issue of fact must be tried by a jury, unless a jury trial is waived, or a reference is ordered, as provided in this code. Where in these cases there are issues both of law and fact, the issue of law must be first disposed of. In other cases, issues of fact must be tried by the court, subject to its power to order any such issue to be tried by a jury, or to be referred to a referee, as provided in this code."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 85

An Act to Amend Section 3599 of the Revised Codes of Montana of 1935, as Last Amended by Section 8, of Chapter 88, of the Laws of Montana of 1939, Relating to the Testing of Seed Samples by the Montana Grain Inspection Laboratory, and the Fees to be Charged Therefor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3599 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 3599 of the Revised Codes of Montana of 1935, as last amended by Section 8, of Chapter 88, of the Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

Testing of samples of seed for citizens.

"Section 3599. *Samples May be Sent to the Laboratory for Testing.* Any citizen of the State of Montana, in accordance with the regulations prescribed by the commissioner of agriculture, by prepaying the transportation charges may send, in one *(1)* year, five (5) samples of seed to the Montana grain inspection laboratory of the Montana agricultural experiment station for examination, analyses, or test, free of charge. Other samples of seed analyzed and tested, *shall be charged for at rates determined jointly by the commissioner of agriculture, the director of*

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the Montana agricultural experiment station, and the director of the Montana grain inspection laboratory. All such fees are hereby appropriated for the use and *benefit* of the Montana grain inspection laboratory of the Montana agricultural experiment station to defray the expenses incurred by said laboratory under the provisions of this act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect upon its passage and approval.

Approved February 25, 1949.

CHAPTER 86

An Act to Amend Sections 2815.152 and 2815.155, Revised Codes of Montana, 1935, Providing for Reports to State Examiner and the Contents Thereof; and When Said Reports Shall be Made; Providing When Balance Sheets and Profit and Loss Statements Shall be Made to State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.152 R. C. Mont. 1935 amended.

Section 1. That Section 2815.152 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Reports to state examiner.

"Section 2815.152. (1) *Effective July 1, 1949* the board shall from time to time make reports to the state examiner covering such matters in connection with the administration or enforcement of this act as he may require, and shall annually make a report for the twelve months ending on the *thirtieth* day of *June* in the *fiscal* year in which the report is made, which shall contain —

Annual Report.

Contents.

(a) A statement of the nature and amount of the business transacted by each vendor under this act during the year;

(b) A statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the result of operations of the board for the year;

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(c) General information and remarks as to the working of the law within the state;

Annual reports to be laid before legislature.

(2) Every annual report made under this section shall be forthwith laid before the legislature if the legislature is then in session, and if not then in session, shall be laid before the legislature within fifteen days after the opening of the next session.

Books and records of board to be subject to examination.

(3) The books and records of the board shall *be* at all times subject to examination and audit by the state examiner or his duly authorized agents or employees."

Sec. 2815.155 R. C. Mont. 1935 amended.

Section 2. That Section 2815.155, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

When balance sheet and statement of profit and loss to be submitted.

"Section 2815.155. *Effective July 1, 1949* the accounts of the board shall be made *up for the fiscal year ending June 30* in each year and at such other times as may be required by the state examiner; and in every case the board shall prepare a balance sheet and statement of profit and loss and submit the same to the state examiner."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect on or after July 1, 1949.

Approved February 25, 1949.

CHAPTER 87

An Act Providing the Method of Handling and Accounting for Dead or Fallen Animals By Licensed Renderers, Defining Terms, Prescribing a Dead or Fallen Animal Record and Setting Out Its Function and Uses, Providing for Disposal of Hides of Such Dead or Fallen Animals in Accordance With the Provisions of Chapter 177 of the Laws of 1939, Providing Penalties for Violation of This Act, Repealing All Acts or Parts of Acts In Conflict Herewith, and Establishing an Effective Date Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When used in this act:

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"Dead or fallen animal" defined.

(a) "Dead or fallen animal" has a restricted meaning and means the carcass or dead body of any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, the continued existence of which would create a public nuisance and constitute a hazard to the public health, which is not killed for human consumption, and is to be salvaged for the purpose of obtaining the hide and grease or fat from such animal.

"Licensed rendering plant."

"Licensed renderer."

(b) "Licensed rendering plant" and "licensed renderer" mean a person, co-partnership, association or corporation, which is engaged in the disposal of dead or fallen animals and which is licensed by the livestock sanitary board of the State of Montana.

Licensed rendering plants to obtain metal identification tags, serially numbered.

Section 2. Licensed rendering plants shall provide themselves with serially-numbered metal identification tags of a size and design to be prescribed by the livestock commission of the State of Montana and in a number series to be assigned by the secretary of the livestock commission.

Person requesting removal of dead or fallen animal to execute record.

Section 3. When a licensed renderer or his agent receives a dead or fallen animal, he shall present to the person or persons, corporation, or association which has requested him to remove such dead or fallen animal, the following dead or fallen animal record for execution in quadruplicate, the original copy of which shall accompany the carcass and hide until the hide is officially inspected for marks and brands, the duplicate of which shall be retained by the licensed renderer for such time as the livestock commission shall in its discretion require, the triplicate of which shall be filed within seven (7) days after its execution and without cost in the office of the county clerk and recorder of the county wherein the animal is received by the licensed renderer or his agent, and the quadruplicate of which shall be retained by the person or persons, corporation, or association which requested removal of such dead or fallen animal:

Filing of record.

DEAD OR FALLEN ANIMAL RECORD

Contents.

Original accompanies carcass and hide until officially inspected.

Duplicate to be retained by licensed renderer.

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Triplicate to be filed in office of county clerk and recorder of county from which dead animal is removed.

Contents of record.

Quadruplicate to be retained by person or persons, corporation, or association requesting removal of dead or fallen animals.

This certifies that I ....., of....., Montana, have this..... day of ....., 19....., requested and authorized the .....

(Name of Licensed Renderer)

to remove the following described dead animals from .....:

(Location of dead animal, including county)

No. Of Head	Description	Brands	Position	Renderer's Tag Number	Inspector's Tag Number
				(To be filled in by renderer)	(To be filled in by inspector)

I have checked the following appropriate statement:

☐ I am the owner of the above-described animal(s).

☐ I do not know who is the owner of the above-described animal(s).

☐ I am not the owner of the above-described animal(s), but I know the owner to be .....

(Signed).....

- - - - - - - - - - - -

To be executed by licensed renderer or his agent:

The above dead animal record was executed in my presence and at my request this ..... day of ....., 19.....

....

(Signature) (Company) (Truck No.)

Section 4. At the time of the execution of the dead or

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fallen animal record, provided for above, the licensed renderer or his agent who receives a dead or fallen animal shall tag such animal with one of the serially numbered identification tags provided in Section 2, above, and shall at the same time record the number of said tag in the proper space provided therefor on the dead or fallen animal record.

Renderer to tag animals received.

Section 5. A licensed renderer or his agent who has received a dead or fallen animal shall, upon demand of any livestock inspector, sheriff, undersheriff, deputy sheriff, or other peace officer, produce for inspection of such officer an executed dead or fallen animal record identifying each dead or fallen animal he may be transporting when such demand is made, and failure to produce such executed dead or fallen animal record upon such demand shall constitute a misdemeanor punishable, upon conviction, as hereinafter provided; provided, however, that under no circumstances shall a licensed renderer or his agent endanger the public health by removing or being required to remove any dead or fallen animals from the vehicle in which they are being transported until such vehicle arrives at a licensed rendering plant where the dead or fallen animal shall be handled and disposed of in conformity to the rules and regulations of the livestock sanitary board; provided further, however, that if any livestock inspector, sheriff, undersheriff, deputy sheriff, or other peace officer has reasonable and probable cause to believe the dead or fallen animals being transported by a licensed renderer or his agent were obtained by a commission of a felony, he may take the licensed renderer or his agent, as well as the vehicle, into custody and proceed with such licensed renderer or his agent to the rendering plant of such licensed renderer, where inspection of marks and brands and immediate investigation shall be made.

Renderer to produce record and animal he may be transporting, upon demand of livestock inspector or peace officer.

Animal not to be removed from vehicle except at licensed rendering plant.

Section 6. When a licensed renderer or his agent disposes of the hides from such dead or fallen animals, such hides shall be handled and inspected for marks and brands in conformity to the provisions of Chapter 177 of the Laws of 1939. The sheriff, deputy sheriff, or person designated by the board of county commissioners or the livestock commission who makes such inspection for marks and brands in conformity to Chapter 177 of the Laws of 1939 shall complete the original dead or fallen animal record which accompanies the hide by inserting thereon, in the

Handling and inspecting hides.

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proper space provided therefor, his inspector's tag number; and he shall file the completed original dead or fallen animal record without cost in the office of the county clerk and recorder, together with the duplicate certificate of inspection required to be filed by said Chapter 177.

Penalty for violation of act or falsifying record.

Section 7. Any person or persons who violate any of the provisions of this act, or who wilfully falsifies any of the records required by this act to be kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50.00), nor more than two hundred fifty dollars ($250.00), or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.

Repealing clause.

Section 8. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 9. This act shall be in full force and effect from and after the first day of July, 1949.

Approved February 25, 1949.

CHAPTER 88

An Act Directing the State Board of Examiners to Issue University of Montana Building Bonds of the State of Montana Under the Provisions of Chapter 249 of the Laws of the Thirtieth Legislative Assembly, 1947, Which Law Was Submitted to the Vote of the Electors of the State at the Last General Election and Received a Majority of the Votes Cast For and Against It at Said Election; and Which Law Provides That Moneys Derived From the Sale of Said Bonds Shall Be Used for the Purpose of Construction and Equipping of Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor, In and About the University of Montana, Consisting of the Six Units Thereof Now Existing: Namely, Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Serial

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Issuance of Said Bonds, and Limiting the Use of the Funds to the Purposes Set Forth, and Validating Such Use.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble

Whereas, Chapter 249 of the laws of the thirtieth legislative assembly of the State of Montana was duly submitted to the people of the state under the provisions of the constitution and the laws of the State of Montana applicable thereto, at the general election held November 2, 1948, and received the favorable vote of more than a majority of the votes cast for and against it at said election; and

Whereas, said Chapter 249 authorizes and empowers the legislative assembly of the State of Montana to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding five million dollars ($5,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated and for the purpose of construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefore, in and about the University of Montana consisting of the six units thereof now existing, namely, Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; therefore,

Board of examiners authorized to issue university building bonds.

Section 1. That the state board of examiners of the State of Montana is hereby authorized and directed to issue and sell, under the provisions of Chapter 249 of the laws of the thirtieth legislative assembly of the State of Montana, five million dollars ($5,000,000.00) University of Montana building bonds of the State of Montana. The moneys to be derived from the sale of said bonds shall be expended for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefore, in and about the University of Montana, consisting of the six units thereof now existing, namely, Montana State University at Missoula, Montana State College at Bozeman, Montana School

Proceeds of bonds to be expended, for what purposes.

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of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre, and such proceeds are to be used solely for such purposes. Said bonds shall mature serially over a period of not to exceed twenty (20) years from the date of issuance. And the state board of examiners shall issue such bonds from time to time and at such times and in such amounts as may appear to the said state board of examiners in the exercise of its judgment and discretion, to be for the best interests of the state.

Maturity of bonds.

Discretion of board as to dates and amounts of issue, of the bonds authorized.

Budget act not applicable.

Section 2. That the authorizations and directions hereinabove provided for, shall be deemed and held valid notwithstanding the provisions of the budget act.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 89

An Act to Amend Sections 1262.53, 1262.54, and 1262.55 of the Revised Codes of Montana, 1935, Relating to the Establishment of Junior High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1262.53 R. C. Mont. 1935 amended.

Section 1. That Section 1262.53 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Establishment in districts where county high school is located.

"Section 1262.53. **Establishment in Districts Where County High School Is Located.** A junior high school or junior high schools may be established by the school district in which any county high school is located in the manner provided in Section 1262.52, provided that the board of trustees of the county high school already located in the district shall by resolution consent thereto. *A junior high school, or junior high schools, may also, in like manner, be established by the county high school, provided that the board of trustees of the school district, in which the county high school is located, shall by resolution consent thereto.*"

May also be established by county high school.

Sec. 1262.54 R. C. Mont. 1935 amended.

Section 2. That Section 1262.54 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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"Section 1262.54. **Tuition to Be Paid by County High School Board.**

Tuition to be paid by county high school board.

(a) Whenever any junior high school is established by any school district in which a county high school is maintained, as provided in this chapter, the board of trustees of the county high school shall pay annually out of any funds of the county high school to the board of trustees of the school district maintaining the junior high school for every ninth grade pupil enrolled in such junior high school who would otherwise be eligible for admission to the county high school an amount as tuition *equal to the average cost per pupil in average number belonging for the past completed school year.*

Junior high school established by county high school — by whom tuition is paid.

(b) *Whenever any junior high school is established by any county high school, as provided in this chapter, the board of trustees of the school district in which the county high school is situated, and any other board of trustees sending pupils to such junior high school, shall pay annually out of any funds of the district or districts to the board of trustees of the county high school maintaining said junior high school for every seventh and eighth grade pupil enrolled in such junior high school who would otherwise be eligible for admission to the elementary school or schools of the district or districts, an amount as tuition equal to the average cost per pupil in average number belonging for the past completed school year.*"

Sec. 1262.55 R. C. Mont. 1935 amended.

Section 3. That Section 1262.55 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Junior high school how abolished.

"Section 1262.55. Any junior high school now or hereafter established may be abolished by *mutual consent* of the board of trustees of the district *and the board of trustees of the county high school which established such junior high school.*"

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall take effect upon its passage and approval.

Approved February 25, 1949.

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CHAPTER 90

An Act Relating to the Sale of Surplus Line Insurance and to Surplus Line Agents; Issuance of Licenses and the Fees and Bonds Therefor; Affidavit As Prerequisite to Procurance of Insurance; Filing of Power of Attorney; Record of Business and Filing of Annual Statement; Validity of Surplus Line Insurance; Liability to Suit of Companies Issuing Insurance; Venue; Penalties; Hearing Procedure and Judicial Review; Repeal of Acts or Parts of Acts in Conflict Herewith; Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of terms.

Section 1. **Definition of Terms.** The words, 'commissioner' or 'insurance commissioner', as used in this act, refer to the commissioner of insurance of the State of Montana. A 'surplus line' agent is one to whom a 'surplus line' license has been issued by the commissioner under the provisions of this act.

Surplus line license, issuance of and fee for.

Section 2. **Issuance of License — Fee — Authority Conferred by License.** Upon receipt of an application in proper form, on blanks furnished by the commissioner, and on payment of a license fee of twenty-five dollars ($25.00), the insurance commissioner may issue a 'surplus line' license to any duly qualified and licensed insurance agent of this state. Such license shall permit the agent named therein to act as agent in this state for any foreign company or insurer not authorized to transact business in this state in securing, issuing or placing policies of insurance, contracts of indemnity and/or surety bonds on property located in, or undertakings to be carried out in, this state for such companies.

Authority conferred by license.

Section 3. **Execution and Delivery of Bond — Rights Conferred by License.** Before receiving such license, such 'surplus line' agent shall execute and deliver to the commissioner a bond in the penal sum of two thousand dollars ($2,000.00) in such form and with such sureties as the commissioner shall approve, conditioned that he will fully comply with all requirements of this act. Such license shall entitle such agent to transact business for any or all unauthorized insurance companies or insurers

Bond required.

Rights conferred by license.

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as provided in this act, and shall expire on March 31st next following the date of issue.

Affidavit prerequisite to procurance of insurance.

Section 4. **Affidavit as Prerequisite to Procurance of Insurance — Contents.** Before the person named in such license shall procure, effect or issue any such insurance policy or indemnity contract or surety bond, he shall in every case execute and file with the commissioner his affidavit in acceptable form that the insured is unable to procure in a majority of the companies or insurers admitted to do business in this state writing the class of insurance involved, the amount or kind of insurance necessary to protect the property or undertakings of the insured described in such affidavit; and that the procuring of insurance in an unauthorized insurer is not for the purpose of securing a lower premium rate than would be charged by any authorized insurer.

Indorsement on policy.

Section 5. **Indorsement On Policy.** Every policy issued under this section shall be indorsed 'issued in an unauthorized company, under agent's license No. .....,' which indorsement shall be properly filled in and signed by the agent.

Service of process.

Section 6. **Service of Process.** Any company desiring to transact any business under the terms of this act, by any agent or agents in this state, shall appoint in writing the commissioner of insurance to be its true and lawful attorney, upon whom legal process in any action or proceeding against it shall be served and, in such writing, shall agree that any legal process against it, which is served upon such attorney, shall be of the same legal force and validity as if served upon such company, and that said authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment certified by the commissioner of insurance shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Such service must be made in duplicate upon the commissioner of insurance or, in his absence, upon the person in charge of his office, and shall be deemed sufficient service upon such company; provided, however, that in all cases where service is made upon the commissioner of insurance, as herein provided, the defendant shall have twenty days from the date of such service in which to file its answer,

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or other appearance in the case. When legal process against such company is served upon the commissioner of insurance, he shall forthwith forward by registered mail one of the duplicate copies, prepaid, and directed to its secretary or corresponding officer. For each copy of process the commissioner of insurance shall collect two dollars ($2.00), which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs if he prevails in the suit. Legal process shall not be served upon any such company except in the manner provided herein. In any suit on a policy on behalf of the owner or holder thereof, the service of process shall be made as in this section provided, but the action must be prosecuted in the county of the policy holder's residence.

Venue.

Record of business.

Filing of statement.

Content.

Section 7. **Record of Business — Filing of Statement — Content.** Every such agent shall keep a separate account of the business done under his 'surplus line' license and on or before the first day of April in each year shall file with the commissioner a statement for the calendar year preceding, giving the name of the insured to whom such policy or indemnity contract granting such unauthorized insurance has been issued, the name and home office of each company issuing any such policy or contract, the amount of such insurance, the rates charged therefor, the gross premiums charged therein or therefor, the date and term of the policy and the amount of premium returned on each policy cancelled or not taken, with such other information and upon such form as required by the commissioner, and pay the commissioner an amount equal to the taxes imposed by law on the premiums of like authorized insurance companies. If a 'surplus line' policy covers risks or exposures only partially in this state, the tax so payable shall be computed upon the proportion of the premium which is properly allocable to the risks or exposures located in this state.

Surplus line insurance valid.

Section 8. **Surplus Line Insurance Valid.** Insurance contracts procured as 'surplus line' coverage from unauthorized insurers in accordance with this act shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by authorized insurers.

Section 9. **Actions Against Companies Issuing Insur-**

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ance — Venue — Service of Process — Time for Answer. Every company, insurer or insurers making insurance under the provisions of this section shall be deemed and held to be doing business in this state as an unlicensed concern and may be sued upon any cause of action arising under any policy of insurance so issued and delivered by it. Such suit shall be brought in the district court of the county wherein the plaintiff resides. Service of summons and complaint in such a suit shall be made upon the commissioner of insurance in the manner provided by Section 6 of this act.

Actions against insurance companies issuing insurance.

Venue.

Service of process.

Section 10. **Penalty for Failure to File Statement and Pay Tax: Action for Recovery — Revocation of License — Conditions Prerequisite to Reissuance — Hearing Procedure and Judicial Review.** Every such agent who fails or refuses to make and file said annual statement, and to pay the taxes required to be paid thereon prior to the first day of April after such tax is due, shall be liable for a fine of twenty-five dollars ($25.00) for each day of said delinquency. Such tax and fine may be recovered in an action to be instituted by the commissioner in the name of the state, the attorney general representing him, in any court of competent jurisdiction, and the fine, when so collected, shall be paid to the state treasurer and placed to the credit of the general fund. If any such agent shall fail to make and file said annual statement and pay the said taxes, or shall refuse to allow the commissioner to inspect and examine his records of the business transacted by him pursuant to this section, or shall fail to keep such records in manner as required by the commissioner, or shall falsify the affidavit referred to in Section 4 of this act, all insurance licenses, including surplus line agent's license of such agent shall be immediately revoked by the commissioner.

Penalty for failure to file statement and pay tax.

Action to recover tax.

Revocation of licenses.

Before the commissioner of insurance shall revoke or suspend any such license he shall give to the agent written notice of the charges and of the hearing, not less than twenty (20) days prior to the time set for such hearing. Such notice shall be forwarded by registered mail addressed to the agent at his last known address. Full opportunity shall be given at such hearing to the agent to appear with counsel and be heard upon such charges. Any agent or other person aggrieved by any order or decision made by the commissioner of insurance may

Notice of hearing prior to revocation of license.

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Judicial review.

appeal therefrom to the district court of the county where the aggrieved party may reside, or to the district court of Lewis and Clark county, Montana, within thirty (30) days from the making and filing of the order or decision, by filing in the office of the commissioner of insurance a notice of the appeal in writing and in this case the commissioner of insurance shall within twenty (20) days after filing of the notice, make and return to the district court a full and complete certified transcript of the finding and order appealed from and of all parts relative thereto on file in his office, including the notice of appeal, and upon the filing of the certified transcript all matters involved therein shall be brought on for trial upon the merits at the next term of the court after the filing of the transcript, unless otherwise ordered by the court; and upon the trial the findings of fact on which the order is based shall be prima facie evidence of the matters therein stated. During the pendency of the proceedings upon review the order of the commissioner of insurance shall be suspended, but in the event of a final determination against such agent, the license of such agent shall be immediately revoked. In the event of the revocation of a license of an agent whether by the action of the commissioner or by judicial proceedings, another license shall not be issued to that agent until one (1) year shall elapse from the effective date of such revocation, nor until all taxes and fines are paid, nor until the commissioner shall be satisfied that full compliance with this section will be had.

Issuance of another license after a revocation.

In what insurers insurance may be placed.

Section 11. **Surplus Lines in Solvent Insurers.** A 'surplus line' agent shall not knowingly place 'surplus line' insurance with insurers unsound financially. The agent shall ascertain the financial condition of the unauthorized insurer before placing insurance therewith. The agent shall not so insure with any stock insurer having capital and surplus amounting to less than two hundred thousand dollars ($200,000.00), or with any other type of insurer having assets of less than two hundred thousand dollars ($200,000.00) of which not less than fifty thousand dollars ($50,000.00) is surplus.

Authority of agent.

Section 12. **Agent's Authority.** An agent duly licensed as provided in this act may accept business from any duly licensed agent for an admitted company and may compen-

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sate him therefor, provided such insurance is written in conformity with the provisions of the insurance code.

Commissioner to make rules.

Section 13. **Commissioner to Make Rules.** The commissioner may make and publish reasonable rules and regulations, consistent with this act, in respect to transactions governed thereby and the basis or bases for his determination hereunder.

Repealing clause.

Section 14. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 15. **Effective Date.** This act shall take effect immediately upon its passage and approval.

Approved February 25, 1949.

CHAPTER 91

An Act Providing for the Use of Parking Meters By Incorporated Cities and Towns of Twenty-five Hundred (2500) Population or Less, and providing for the Submission of the Question to Qualified Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and towns of 2,500 population granted power.

Section 1. Any city or town council of any incorporated city or town of twenty-five hundred (2500) population or less is hereby empowered to enact an ordinance or ordinances:

To purchase or rent parking meters.

(a) To purchase, rent, lease or otherwise acquire coin operating parking meters, or other devices, or instruments used for the purpose of measuring the duration of time an automobile or other vehicle is parked.

To install and operate meters on streets.

(b) To install, maintain and operate said meters, devices or instruments at or near any public street, highway, avenue or other public place within the corporate limits of such city or town.

To regulate use of streets for parking purposes.

(c) To provide for such regulations as necessary to govern the use of its public streets, highways, avenues or other public places for the purpose of parking automobiles or other vehicles, and the use of said meters, devices or instruments in conjunction therewith, including the establishment and designation of zones or areas where said meters, devices or instruments are to be used.

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Proviso: question of purchase or renting meters must be submitted to electors.

Section 2. Provided, however, that no ordinance or ordinances providing for the purchasing, renting, leasing or otherwise acquiring or installing, maintaining, operating or using such parking meters, devices or instruments shall be enacted until and unless the question of whether or not such ordinance or ordinances shall be enacted has been submitted to the qualified electors of such city or town at a general election or special election called for that purpose, and unless at such election a majority of the votes cast for and against the question shall have been in favor of the enacting of said ordinance or ordinances.

Application of act limited.

Section 3. Nothing herein contained shall affect the validity of any ordinance relating to parking meters or similar devices or instruments heretofore adopted by any city or town, or any extension thereof hereafter made.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1949.

CHAPTER 92

An Act to Amend Section 2 of Chapter 28 of the Session Laws of Montana of 1945, Relating to Elections; Providing for the Preparation of Lists of Qualified Electors and Poll Books; Requiring the Stamping of the Word "Taxpayer" Opposite the Name of Each Voter Appearing on the Poll Books Who is a Taxpayer Upon Property Within the State and Whose Name Appears upon the Last Completed Assessment Roll of Some County in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 28 of the Session Laws of Montana of 1945, be, and the same is hereby amended to read as follows:

Lists of registered voters.

Poll Books.

"Section 2. After the closing of registration the county clerk of each county shall promptly prepare lists of registered electors of all voting precincts in his county. *He shall also prepare the poll book for each precinct* in the manner provided by Section 568, Revised Codes of Montana, 1935, and deliver the same to the judges of election prior to the opening of the polls. *In preparing poll books*

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it shall not be necessary for the county clerk to make separate poll books containing only the names of electors who are qualified to vote on the question of the incurring of a state debt, the issuance of bonds or debentures by the state or the levying of a state tax. In lieu of preparing such a list of electors qualified to vote on such question, the county clerk shall stamp the word 'TAXPAYER' on the poll book opposite the name of each qualified elector who is a taxpayer and entitled to vote upon any of the questions hereinbefore indicated. No other showing shall be required to establish that such elector is in fact a taxpayer and entitled to vote as such.

Word "taxpayer" to be stamped on poll book opposite name of each qualified elector.

All of the laws of this state applying to the holding of general biennial state elections, insofar as the same are applicable thereto and not in conflict with any of the provisions of this act, shall apply to, and govern and control such election and the canvassing and return of the votes cast on such question at such election; and abstracts made by the several county clerks shall be returned to the secretary of state in the manner provided by Sections 801 and 802, Revised Codes of Montana for 1935, for the abstract of votes for state officers."

Application of laws applying to holding general biennial elections.

Approved February 25, 1949.

CHAPTER 93

An Act to Amend Sections 4884 and 4884.1 of the Revised Codes of Montana of 1935, as Amended by Sections 1 and 2, Chapter 121 of the Laws of the Twenty-seventh Legislative Assembly of the State of Montana, and as further Amended by Sections 1 and 2, Chapter 201 of the Laws of the Thirtieth Legislative Assembly of the State of Montana, Relating to Mileage for Members of the Legislative Assembly, State Officers, County Officers, Township Officers, Jurors, Witnesses, County Agents, and All Other Persons, Except Sheriffs, Who May Be Entitled to Mileage When Using Their Own Automobiles in the Performance of Official Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4884, Revised Codes of Montana of 1935, as amended by Section 1, Chapter 121, of

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Section 4884 R. C. Mont. 1935, as amended, further amended.

the laws of the twenty-seventh legislative assembly of the State of Montana, and as further amended by Section 1, Chapter 201 of the laws of the thirtieth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Mileage of all officers.

"Section 4884. **Mileage of All Officers.** Members of the legislative assembly, state officers, township officers, jurors, witnesses, county agents, and all other persons, except sheriffs, who may be entitled to mileage, when using their own automobiles in the performance of official duties, shall be entitled to collect mileage at a rate of *seven* cents *(7c)* per mile for the distance actually traveled, and no more *unless otherwise specifically provided by law; provided, however, that on and after the first day of July, 1951, such rate shall not exceed six cents (6c) per mile for the distance actually traveled and no more.*"

Sec. 4884.1 R. C. Mont. 1935 as amended, further amended.

Section 2. That Section 4884.1, Revised Codes of Montana, 1935, as amended by Section 2 of Chapter 121 of the laws of the twenty-seventh legislative assembly of the State of Montana, and as further amended by Section 2 of Chapter 201 of the laws of the thirtieth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Mileage, amount permitted.

"Section 4884.1. Whenever it shall be necessary for any state or county officer or employee to use his own automobile in the performance of any official duty where traveling expense is allowed by law, such officer or employee, except sheriffs, shall receive *seven* cents *(7c)* per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount; *provided, however, that on and after the first day of July, 1951, such rate shall not exceed six cents (6c) per mile for the distance actually traveled and no more.* Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad or bus."

Approving board, liability of.

Amount after July 1, 1951.

Automobile not to be used if railroad or bus is suitable.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

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CHAPTER 94

An Act to Amend Section 7 of Chapter 199 of the Session Laws of Montana of 1943, Relating to Speed Limits on Public Highways.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7 of Chapter 199 of the Session Laws of Montana of 1943, be, and the same is hereby amended to read as follows:

"Section 7. **Speed Limits — Establishment of Speed Zones and Penalties.** No person shall drive a motor vehicle on a public highway of this state at a speed greater *or less* than is reasonable and prudent to conditions then existing. Speed limits.

Maximum speed limits for trucks and/or tractors and trucks and/or tractors and trailers weighing two (2) tons or more gross with or without load shall be forty-five (45) miles per hour. Trucks and tractors.

Maximum speed limits for all other motor vehicles shall be fifty-five (55) miles per hour during the hours when lights on vehicles are required. Other motor vehicles.

The supervisor of the highway patrol is authorized and empowered to determine and establish on any public highway of the State of Montana, or any portion thereof, limited speed zones and *minimum speed zones.* The boards of county commissioners in the counties in which they have jurisdiction, are authorized and empowered to determine and establish on any road or street without the limits of corporate towns in their respective counties limited speed zones and in the absence of action by said supervisor of the highway patrol, which speed limits shall constitute the maximum *or minimum* speed at which any person may drive or operate any vehicle upon such zoned highway or portion thereof so zoned and on which the maximum *or minimum* speed permissible in said zone has been conspicuously posted. Limited speed and minimum speed zones authorized.

Every person operating a motor vehicle at a speed in excess of *the maximum speed limits herein provided or less than the minimum speed limits herein provided* shall be deemed guilty of a misdemeanor, and upon conviction Penalties for violations.

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thereof shall be punished upon a first conviction by a fine of not less than five dollars ($5.00) and not more than one hundred dollars ($100.00), or by imprisonment for a period of not more than thirty (30) days or by both such fine and imprisonment, and on a second or subsequent conviction may at the discretion of the court be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred fifty dollars ($150.00), or by imprisonment for a period of not more than sixty (60) days, or by both such fine and imprisonment."

Repealing clause

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1949.

CHAPTER 95

An Act to Amend Section 1805.71, Revised Codes of Montana, 1935, Relating to Persons Eligible to Purchase State Lands, and the Quantities Which May be Purchased, and Providing That Any Sovereign State of the United States and Any Trustee or Public Corporation or Agency or Political Subdivision Thereof, Duly Authorized by Such Sovereign States, May Purchase and Hold State Lands; Limiting the Quantity Which May be Purchased and Defining the Purpose for Which the Same May be Purchased and Validating Any Sales of State Lands Heretofore Made to Sovereign States of the United States Eligible Under the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1805.71 R. C. Mont. 1935 amended.

Section 1. That Section 1805.71, Revised Codes of Montana, 1935, be amended to read as follows:

Who may purchase, and how much.

"1805.71. **Who May Purchase and How Much.** State lands shall be sold only to citizens of the United States or to persons who have declared their intentions to become citizens, or to corporations organized under the laws of this state. No person shall be qualified to purchase state land who has not reached the age of twenty-one (21) years. As far as possible to determine the lands shall be sold only to actual settlers or to persons who will improve the same, and not to persons who are likely to hold such lands for

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speculative purposes intending to resell the same at a higher price without having added anything to their value. No person or corporation shall be entitled to purchase more than one section of state land, and this area shall not include more than one hundred and sixty (160) acres of land susceptible of irrigation. These limitations as to area and irrigableness shall not apply to lands acquired by the state in connection with the foreclosure of its mortgages.

Sale to any state of the United States or agency thereof authorized.

State lands may be sold to any sovereign state of the United States or to any board of trustees or public corporation or agency of such state created by such state as an agency or political subdivision thereof. Said lands may be purchased in the quantities set forth in this section for use by such state, board of trustees, public corporation, agency, or political subdivision for educational or scientific purposes.

Ratification of certain sales heretofore made.

The title to any state lands which have been heretofore purchased by a sovereign state or a board of trustees or public corporation, agency or political subdivision thereof qualified under the provisions of this act is hereby ratified and confirmed."

Effective date.

Section 2. This act shall be in full force and effect immediately after its passage and approval.

Approved February 25, 1949.

CHAPTER 96

An Act to Amend Section 191.2, Revised Codes of Montana, 1935, as Last Amended by Chapter 102 of the Session Laws of Montana of 1939, Relating to an Apportionment of Money to Counties Under the Taylor Grazing Act, Approved June 28, 1934, (Public Act No. 482); and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 191.2 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 191.2, Revised Codes of Montana, 1935, as last amended by Chapter 102 of the Session Laws of Montana, 1939, be, and the same is hereby amended to read as follows:

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Apportionment of moneys to counties.

"Section 191.2. **Apportionment of Moneys to Counties.** It shall be the duty of the state treasurer to properly apportion and allocate these moneys to the county treasurers, who will allocate and pay all such moneys as follows, fifty per cent (50%) to the county general fund and fifty per cent (50%) to the common school fund of the county."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect upon its passage and approval.

Approved February 25, 1949.

CHAPTER 97

An Act Amending Chapter 121, Laws of Montana, 1939, Authorizing the Creation of a Safety or Reserve Fund by Mutual Hail, Fire, Lightning and Other Insurance Companies Authorized Under the Provisions of Sections 6170 to 6205 of the Revised Codes of Montana of 1935, and Authorizing Investment of the Reserve Fund Thereof, to Include Loans Secured by First Real Estate Mortgages, and Specifying Limitations on Such Loans.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 121 laws of 1939 amended.

Section 1. That Chapter 121, laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Mutual insurance companies may create reserve fund.

"Section 1. Any mutual insurance company as defined under and by virtue of Sections 6170 to 6205 inclusive of the Revised Codes of Montana, 1935, may create a safety or reserve fund for the purpose of paying any claim or claims for losses on any policies of insurance issued by said company or for the purpose of paying any lawful expenses or obligations which said company may from time to time incur. Such reserve fund shall not exceed an amount equal to three per centum of the total amount of insurance which may be in force in said company at any one time. Provided that such safety or reserve fund shall not be used for any purpose whatsoever except as herein authorized."

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"Section 2. When so directed by a majority vote of the members present of the company the directors shall have the power to invest the reserve fund of the company or any part thereof in bonds or other securities of the United States government, or any government agency, or any investment the safety of which is guaranteed by the United States, in *such* general obligation, bonds or warrants of any state, county or city as are recommended by the state auditor and approved by the state examiner, *or in loans secured by a first mortgage on real estate situated in the State of Montana.* At the time of *making* such investments *the document evidencing the obligation* must be stamped with the name of the company with the following notation printed thereon, 'negotiable only upon the order of the directors of (*naming the* company).' *No real estate loan shall be for more than sixty per centum of the appraised value of the real estate securing by the loan, and appraisal must have been made within thirty days prior to the date of the loan, and such loans shall not be for a longer term than ten years. The foregoing provisions, however, shall not prevent the renewal or extension of loans already made, and shall not apply to real estate loans which are insured under the provisions of any act of the congress of the United States, nor to the making, extension or renewal of any loans which are made under subchapter II of the act of congress, known as the servicemen's readjustment act of 1944, or any amendment thereof or supplement thereto, as to any part of such loans; nor shall these provisions prevent any company from taking another and immediately subsequent mortgage or deed of trust when it already holds a first mortgage or deed of trust thereon on such real estate, nor from accepting a second lien on real estate to secure the re-payment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith, when, in the judgment of the directors of such company, such subsequent liens are necessary further to secure the payment of any debts and save such company from loss.*"

Investment of reserve fund.

Limitation of amount of real estate loans.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1949.

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CHAPTER 98

An Act to Amend Section 6175, Revised Codes of Montana, 1935, as Amended by Chapter 107, Laws of Montana, 1945, Relating to Powers of State Rural Mutual Insurance Companies, to Provide That Such Corporations Shall Have the Right to Spend in Any One Year Up to Five Per Centum of Its Net Earnings of the Preceding Year for Educational Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6175 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 6175, Revised Codes of Montana, 1935, as amended by Chapter 107, laws of Montana, 1945, be, and the same is hereby amended to read, as follows:

Powers of state rural mutual insurance companies.

"Section 6175. Such corporation and its directors shall possess the usual powers and be subject to the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the constitution or this act, as may be deemed necessary for the management of its affairs in accordance with the provisions of this act, *and shall have the right to spend in any one year up to five per centum of its net earnings of the preceding year for educational purposes, provided that a complete and itemized report of such expenditures shall be filed at the same time and in conjunction with the annual report of said corporation filed in accordance with the provisions of Section 6183 of the Revised Codes of Montana, 1935,* and may prescribe the duties of its officers and employees and fix their compensation, and may alter and amend its by-laws when necessary. Annual meetings of such corporation may be held at or adjourned to other places in the State of Montana than the location of its principal business office. Notice of any adjourned meeting shall be given to the members of such corporation in the same manner as provided in the by-laws for the regular annual meeting."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 99

An Act to Amend Section 3698, of the Revised Codes of

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Montana, 1935, as Amended by Section 7 of Chapter 224, Laws of 1947, Relating to the Destroying Evidence of Sex of Deer to Provide a Penalty for Destroying Evidence of Sex of Any Big Game Animal, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3698 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 3698, of the Revised Codes of Montana, 1935, as amended by Section 7 of Chapter 224, laws of 1947, be, and the same is hereby amended to read as follows:

Destroying evidence of sex constitutes misdemeanor.

"Section 3698. **Destroying Evidence of Sex Constitutes Misdemeanor.** Any person killing any *big game animal* within this state who shall destroy such evidence of the sex of *any big game animal* so killed, as to make the determination of the sex thereof uncertain, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in Section 3706 R. C. M. 1935."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 100

An Act to Amend Chapter 308, of the Revised Codes of Montana, 1935, Relating to the Protection of Fish and Game, by Adding a Sub-section to Be Known as Section 3694.3, Relating to the Authority of the Fish and Game Commission to Prohibit the Use of Small Fish, Dead or Alive, in Certain Streams or Lakes in the State of Montana; and Making It Unlawful for Any Person or Persons to Transplant or Introduce Any Species of Fish, Game Birds or Game Animals Without Authorization From the Fish and Game Commission; and Providing Penalties for Violation of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 308 R. C. Mont. 1935 amended.

Section 1. That Chapter 308, of the Revised Codes of Montana, 1935, relating to the protection of fish and game, be amended by adding a new section to be known as Section 3694.3, as follows:

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Restrictions on use of fish as bait.

"Section 3694.3. **Restrictions On Use of Fish as Bait — Commission Must Authorize Introduction of Fish or Game.** The state fish and game commission shall have authority to prohibit the use of small fish as bait for catching fish in only such waters that the commission has reclaimed for the propagation of game fish, and may further restrict the use of any small fish in other streams or lakes except such species of fish as are commonly known to be present in such stream or lake.

Introduction of fish or game, authorization for by commission required.

It shall be unlawful for any person or persons to transplant or introduce any fish or fish eggs into any body of water in the state, or it shall be unlawful for any person or persons to transplant or introduce any species of game birds or game animals into the State of Montana without first having obtained authorization from the fish and game commission.

Any person found guilty of a violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 3706, Revised Codes of Montana, 1935."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 101

An Act to Amend Section 3717, of the Revised Codes of Montana, 1935, Relating to the Use of Explosives or Poisons in Taking Fish; Providing Penalty, and to Exempt Persons Authorized by the Fish and Game Commission to Control Fish Populations from the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3717 R. C. Mont. 1935 amended.

Section 1. That Section 3717, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Use of explosives or poisons in taking fish unlawful.

"Section 3717. **Use of Explosives or Poisons in Taking Fish Unlawful, Penalty,** *and Exceptions.* If any person or persons shall use any carbide, lime, giant powder, dynamite,

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or other explosive compounds, or any corrosive or narcotic poison or other deleterious substance, or have any of the same in his possession within one hundred (100) feet of any stream where fish are found, for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment. *The provisions of this section shall not apply to anyone duly authorized by the Montana fish and game commission to conduct lake or stream surveys or to control undesirable or over populated species of fish.*"

Penalty.

Exception.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1949.

CHAPTER 102

An Act to Repeal Section 3696.1, of the Revised Codes of Montana, 1935, Relating to the Open Season for Elk in Teton County and Authority of Game Warden to Shorten.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696.1, of the Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Sec. 3696.1 R. C. Mont. 1935 repealed.

Approved February 25, 1949.

CHAPTER 103

An Act to Amend Section 4886 of the Revised Codes of Montana of 1935, as Amended by Chapter 77 of the Session Laws of Montana of 1943, Relating to Fees Allowed Sheriffs for the Board of Prisoners; Providing for an Increase of Said Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4886, Revised Codes of Mon-

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Sec. 4886 R. C. Mont. 1935, as amended, further amended.

tana, 1935, as amended by Chapter 77 of the Session Laws of Montana of 1943, be, and the same is hereby amended to read as follows:

Fees for board of prisoners.

"Section 4886. **Fees for Board of Prisoners.** The fees allowed sheriffs of the several counties of the state for the board of prisoners confined in jail under their charge shall be at the rate of *one dollar and fifty cents ($1.50)* per day for each of said prisoners, when the number of prisoners shall be *ten (10) or less each day. When the number of prisoners per day shall exceed ten (10) and be less than twenty (20) then at the rate of one dollar and thirty-five cents ($1.35) per day for each and all of said prisoners; when the number of prisoners per day shall exceed twenty (20) and be less than thirty (30) then at the rate of one dollar and twenty-five cents ($1.25) per day for each and all of said prisoners; when the number of prisoners per day shall exceed thirty (30) and be less than forty (40) then at the rate of one dollar and ten cents ($1.10) per day for each and all of said prisoners and, when the number of prisoners per day shall exceed forty (40) then at the rate of ninety cents ($0.90) per day for each and all of said prisoners."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after *July 1, 1949 at the rates fixed in Section 1 thereof until and including June 30, 1951. Thereafter, beginning July 1, 1951,* the fees allowed sheriffs of the several counties of the state for the board of prisoners confined in jail under their charge shall be at the rate of *one dollar ($1.00)* per day for each of said prisoners, when the number of prisoners shall be twenty (20) or less each day; and when the number of the prisoners per day shall exceed twenty (20) and be less than fifty (50), then at the rate of *seventy-five cents (75¢)* per day for each of said prisoners in excess of twenty (20) per day and less than fifty (50) per day; and when the number of the prisoners per day shall exceed fifty (50), then at the rate of *sixty cents (60¢)* per day for each of said prisoners in excess of fifty (50) per day.

Fees beginning July 1, 1951.

Approved February 25, 1949.

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CHAPTER 104

An Act to Create and Establish in the Division of Public Health Education in the State Board of Health a Section to Be Known as Narcotic Education Section; Defining Its Purpose; Fixing Its Powers, Providing for Expenses Necessary to Carry Out the Provisions of This Act; Authorizing the State Board of Health to Accept Contributions, Donations and Gifts; Repealing Chapter 89, Laws of Montana of 1947; and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Narcotic education section in state board of health created.

Section 1. There is hereby created and established in the division of public health education in the state board of health a section to be known as the narcotic education section, which shall be under the direct supervision of the state board of health.

Purpose of.

Section 2. It is hereby declared to be the purpose of such section of narcotic education to provide a consultant in narcotic education to the general public and to the Montana educational institutions from the elementary schools through the institutions of higher learning, regarding the scientific facts concerning narcotic drugs.

Health educational consultant, appointment and duties of.

Section 3. The state board of health is authorized and hereby empowered to appoint and employ a health educational consultant with special training in narcotic education to carry out the provisions of this act, who shall be under the merit system and whose educational qualifications shall meet merit system requirements of other health education consultants, and to incur such other expense as may be deemed necessary to carry out the provisions of this act.

State board of health authorized to accept contributions.

Section 4. In addition to state appropriations, the state board of health is hereby authorized to accept contributions, donations and gifts, and to use the fund derived therefrom for efficiently carrying out the purpose of this act.

Repealing clause.

Section 5. Chapter 89, Laws of Montana of 1947, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

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CHAPTER 105

An Act to Authorize the State of Montana to Participate Jointly with the Federal Government On a Dollar for Dollar Basis in Carrying Out a Program of Hospital Construction in Accordance with the Provisions of Chapter 270 of the Session Laws of Montana of 1947 and the Provisions of the Federal Hospital Survey and Construction Act. (Public Law 725 of the Seventy-Ninth Congress, Approved August 13, 1946), in Cases Where the Appropriations of Money Made By the Federal Government Under Said Public Law 725 to the State of Montana Are Inadequate to Meet the Federal Share of Hospital Construction, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State authorized to participate with federal government in program of hospital construction in accordance with Chap. 270, laws of Montana, 1947.

Section 1. The State of Montana is hereby authorized and empowered to participate jointly with the federal government on a dollar for dollar basis in carrying out a program of hospital construction in accordance with the provisions of Chapter 270 of the Session Laws of Montana of 1947 and the provisions of the federal hospital survey and construction act (Public Law 725 of the Seventy-Ninth Congress, approved August 13, 1946), and to allocate and expend money for that purpose in cases where the appropriations of money heretofore or hereafter made by the federal government under said Public Law 725 to the State of Montana are inadequate to meet the amounts needed for hospital construction as such needs may be determined from time to time under this act. Provided however, that any funds remaining unused for a consecutive period of two years shall revert to the general fund.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect upon its passage and approval.

Approved February 25, 1949.

CHAPTER 106

An Act to Amend Section 4 of Chapter 59 of the Session

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Laws of the Twenty-eighth Legislative Assembly of the State of Montana, Relating to Fees for Inspection of Livestock Before Removal from County and at Licensed Public Livestock Markets, for Payment of Expenses to Inspectors and for the Disposition of the Inspection Fees and Expenses Paid to Inspectors and to Clarify the Legislative Intent and Policy of the Twenty-eighth Legislative Assembly of the State of Montana Concerning the Disposition of Inspection Fees and Expenses Paid to Inspectors.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4, Chap. 59 laws of 1943 amended.

Section 1. That Section 4 of Chapter 59 of the Session Laws of the twenty-eighth legislative assembly, be, and the same is hereby amended to read as follows:

"Section 4.

Fees for inspection.

(A) For the service of inspection herein provided for before removal from county, the inspector making such inspections shall receive twenty-five cents (25¢) per head for the inspection of twelve (12) head or less, or three dollars ($3.00) for the inspection of from twelve (12) head to thirty (30) head and shall receive ten cents (10¢) per head for each animal inspected over thirty (30) head, except that fifteen dollars ($15.00) shall constitute the maximum charge which may be collected from any one person per day, and shall receive in addition thereto his necessary actual expenses, to be paid by *the owner thereof or* the person for whom the inspection is made. *All such inspection fees and expenses shall be collected by the inspector making the same at the time of inspection and all such fees and expenses collected by a deputy state stock inspector shall be retained by him and all such fees and expenses collected by a state stock inspector shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.*

Inspection before animal is sold to any public market, fee for.

(B) *For the service of inspection herein provided for before any such animal is sold or offered for sale at any licensed public market, the state stock inspector making such inspection shall receive (1) fifteen cents (15¢) per head for any such animal originating within the county in the state in which such market is maintained; and (2) five cents (5¢) per head for any such animal previously*

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Inspection before animal is removed from premises of public market, fee for.

inspected before removal from county as herein provided. All such fees to be paid by the owner thereof or by the person for whom the inspection is made. For inspecting any such animal before same is removed from the premises of such licensed public market the state stock inspector making such inspection shall receive ten cents (10¢) per head from the owner thereof or the person for whom the inspection is made. All such fees for inspection at such market shall be collected by the state stock inspector making the inspection at the time such inspection is made and shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

Disposition of fees and expenses collected.

(C) *A question or doubt having arisen as to the intention of the legislature and policy of the state concerning the disposition of inspection fees and expenses collected by the state stock inspectors of the State of Montana for the inspection of livestock, it is hereby declared to be the policy of this state and the intent of the said twenty-eighth legislative assembly of the State of Montana that all such inspection fees and expenses be paid to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund, and that said state stock inspectors shall be paid for their services and receive for their expenses only such sums as shall be agreed upon by the livestock commission of the State of Montana and fixed and determined by the state board of examiners.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 107

An Act to Amend Section 3271, Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 75, Laws of 1943, Relating to Compensation from State and County Funds for Animals Destroyed by Direction of the Montana Livestock Sanitary Board, Classification of, and Payment for, Animals Destroyed by Order of Said Board, on the Basis of Appraised Value, and Setting up Method of Appraisal, by Providing for Destruction Upon Order of the State Veterinary Surgeon or His Deputy, of Ani-

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mals Having Certain Infectious-contagious, Communicable or Dangerous Diseases, and for Classification, Payment, Appraisal, and a Basis of Appraisal, Limiting Amount of Indemnity Paid by the State, Giving Discretionary Power to the Livestock Sanitary Board to Pay Limited Indemnity in Certain Instances, and Providing for the Application of Chapter 164 of the Laws of 1945, in Determining Compensation Paid by the State, Where the Federal Government or Other Agency Contributes to Indemnity Paid Owner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3271, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 75, laws of 1943, be, and the same is hereby amended to read as follows:

Sec. 3271 R. C. Mont. 1935, as amended, further amended.

"Section 3271. **Classification of Animals as to Compensation for Slaughter.** Animals with reference to compensation for slaughter by direction of the Montana livestock sanitary board or an agent thereof, under the provisions of this act, shall be divided into two classes, to-wit:

Classification of animals as to compensation for slaughter.

1. Animals determined by the state veterinary surgeon or by a deputy state veterinary surgeon to be affected with an incurable disease which are destroyed by order of such officer, shall be designated as animals of class 1 and unless otherwise provided each of such animals shall be paid for on the basis of seventy-five percent (75%) of its appraised value. The county in which such animal was owned at the time it was determined to be affected with an incurable disease as such ownership and county is determined by affidavit of the owner of the animal or his agent, shall be liable in part, as hereinafter provided, for any indemnity to be paid for such animal. Each animal directed to be destroyed shall be appraised by a representative or an authorized agent of the Montana livestock sanitary board with the owner agreeing in writing as to the value of such animal. When thus appraised, due consideration shall be given to its breeding value as well as its dairy or meat value and the condition of the animal as to the disease and the present and probable effect of the disease on the animal. In the absence of such agreement, there shall be appointed three (3) competent, disinterested parties, one appointed by the Montana livestock sanitary board, one by the owner, and a third by the first two, to appraise each such animal

Animals of class one, and compensation.

Appraisal.

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taking into consideration its breeding value as well as its dairy or meat value and the condition of the animal as to the disease and the present and probable effect of the disease on the animal. The judgment of the majority shall be the judgment of said appraisers and shall be binding upon both parties as the final determination of indemnity to be paid for each such animal; provided the total compensation of each of such appraisers shall be limited to five dollars ($5.00) for such group appraisal, one-half (½) of which amount shall be paid by the Montana livestock sanitary board; provided the total amount of indemnity paid by the state and any county for any such animal shall not exceed the actual sound value of an animal of its class, and provided further that the total combined amount of indemnity paid for such animal by the state and any county shall not exceed the sum of one hundred dollars ($100.00) for any registered purebred animal or the sum of fifty dollars ($50.00) for any grade animal. Animals presented for appraisal as purebreds shall be accompanied by their registration papers at the time of appraisal or they shall be appraised as grades, provided, however, if purebreds are less than three (3) years old and not registered, the Montana livestock sanitary board may grant a reasonable time for their registration, and presentation of their registration papers to the appraiser. Registration papers shall accompany the claim for indemnity.

Limitation of amount of indemnity.

2. Animals of class 1 shall be paid for on the basis of their full appraised value as herein determined in event no evidence of such incurable disease is disclosed by autopsy, bacteriologic, serologic, microscopic or other findings provided the total combined amount of indemnity paid by the state and any county for any such animal shall not exceed the actual sound value of an animal of its class; provided further that the total combined amount of indemnity paid by the state and any county for such animal shall not exceed one hundred dollars ($100.00) for any registered purebred animal or fifty dollars ($50.00) for any grade animal.

Indemnity when no incurable disease is disclosed.

3. Animals determined by the state veterinary surgeon or by a deputy state veterinary surgeon to be affected with or exposed to *foot-and-mouth disease, rinderpest, contagious pleura pneumonia, surra, other infectious-contagious, communicable, or dangerous disease, which is not*

Class two, what animals are in.

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of its nature necessarily fatal, which animals are destroyed by order of such officer as a sanitary safeguard, shall be designated as animals of class 2 and each such animal shall be paid for on the basis of its full appraised value, which appraised value shall be determined in the manner set out in sub-section 1 above. The appraisement of such animals shall be based on the meat, dairy, or breeding value of such animal, but where appraisement is based on breeding value of such animal, no such appraisement shall exceed three (3) times its meat or dairy value. The total amount of indemnity paid by the state for any such animal shall not exceed the actual sound value of an animal in its class; and no indemnity whatever for any such animal shall be paid by any county. In the case of destruction of an animal afflicted with brucellosis (Bang's disease), no indemnity shall be paid therefor, unless the livestock sanitary board shall, in its discretion, determine the best interests of the State of Montana will be served by payment of an indemnity, in which event the livestock sanitary board shall set out standards of indemnity by appropriate rules and regulations, and shall in no event pay in excess of one hundred dollars ($100.00) for any registered purebred animal, or fifty dollars ($50.00) for any grade animal. In all cases where the federal government, or agency other than the state, shall compensate the owner in whole or in part for livestock destroyed as a sanitary safeguard, the amount of compensation from the state shall be determined as provided by Chapter 164 of the laws of 1945.

Limitation of amount of indemnity.

4. Animals which may be injured or killed while they are being inspected or tested in accordance with an order of the Montana livestock sanitary board of its agent, and which animals do not come within either class 1 or class 2 as herein provided, may be paid for at their full appraised value, and the claim therefor is recommended for payment at a meeting of the Montana livestock sanitary board and is approved by the state board of examiners and where it is shown that the injury or death of such animal was not proximately due to the negligence of the owner or his agent the whole of such claim when so approved, shall be paid out of Montana livestock sanitary board funds provided, however, that the limit of indemnity for such animal paid by the state shall not exceed that fixed by this act for animals of class 2.

Payment for certain animals injured or killed during inspection.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1949.

CHAPTER 108

An Act to Amend Section 4736, Revised Codes of Montana, 1935, Relating to the Hours When Certain County Officers Shall Keep Their Offices Open, and Repealing Section 974, Revised Codes of Montana, 1935, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4736 R. C. Mont. 1935 amended.

Section 1. That Section 4736, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

What offices must be kept open at county seat.

"4736. **What Offices to Be Kept Open at County Seat.** The sheriff, the county clerk, the clerk of the district court, the treasurer, and county attorney, *the county auditor in counties where such officer is maintained and the county assessor* must keep their offices open for the transaction of business from 9 o'clock A. M. until 5 o'clock P. M. continuously every day in the year except holidays *and except on Saturday afternoons when said offices may be closed from 12 o'clock noon until 5 o'clock P. M., provided, however, the said offices enumerated herein shall be kept open on Saturday afternoons and on holidays and at other times when the business of said offices requires them to be kept open.*

Exceptions.

County superintendent of schools, office of.

The county superintendent of schools shall keep his office open every day when he is not engaged in the supervision of schools except on holidays and except on Saturday afternoons from 12 o'clock noon until 5 o'clock P. M., provided that when the county superintendent has a deputy or clerk the office shall be kept open every day except holidays and except Saturday afternoons from 12 o'clock noon until 5 o'clock P. M., and provided further that this act shall not apply to counties operating under the county manager plan."

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Section 2. Section 974, Revised Codes of Montana, 1935, is hereby repealed. Repealing clause.

Approved February 25, 1949.

CHAPTER 109

An Act to Amend Section 3307 of the Revised Codes of Montana of 1935, Relating to Fees for Recording and Re-recording of Marks and Brands and for Furnishing Certified Copies of Such Record, and Disposition of Such Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3307 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 3307 R. C. Mont. 1935 amended.

"Section 3307. The general recorder of marks and brands shall charge and collect for recording each mark or brand the sum of *six dollars ($6.00)*, and for re-recording each mark or brand the sum of *three dollars ($3.00)*, and for a certified copy of any such record and each duplicate certificate one dollar ($1.00), and all fees so collected shall be paid into the livestock commission fund; *provided, however, that not more than ten per cent (10%) of the net re-recording fees after all expenses of re-recording are paid, shall be expended in any one year except in case of an emergency declared by the governor.*" Fees for recording and re-recording marks and brands. Disposition of fees collected.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall take effect and be in full force on and after January 1, 1951. Effective date.

Approved February 25, 1949.

CHAPTER 110

An Act to Amend Section 1, of Chapter 59 of the Laws of the Twenty-eighth Legislative Assembly of 1943, as Amended by Chapter 176 of the Laws of the Twenty-ninth Legislative Assembly of 1945, as Amended by Chapter 210 of the Laws of the Thirtieth Legislative As-

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sembly of 1947, Relating to Inspection of Livestock Before Removal from County, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Chap. 59 laws of 1943, as amended, further amended.

Section 1. That Section 1 of Chapter 59 of the laws of the twenty-eighth legislative assembly of 1943, as amended by Chapter 176 of the laws of the twenty-ninth legislative assembly of 1945, as amended by Chapter 210 of the laws of the thirtieth legislative assembly of 1947, be, and the same is hereby amended to read as follows:

Inspection of livestock.

"Section 1. Except as in this act otherwise provided, it shall be unlawful to remove or cause to be removed from any county in this state any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, by means of any railroad car, motor vehicle, trailer, horse-drawn vehicle, boat or in any manner whatsoever unless such animal shall have been inspected for brands by a state stock inspector or deputy state stock inspector and certificate of such inspection shall have been issued in connection with and for the purpose of such transportation or removal as in this act provided. Such inspection must be made in daylight.

Sale without previous inspection unlawful.

It shall be unlawful to sell or offer for sale at a livestock market any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly originating within any county in the State of Montana in which a livestock market is maintained, until such animal has been inspected for marks and brands by a state stock inspector, as in this act provided.

Removal of animals from livestock market without previous inspection unlawful.

It shall be unlawful to remove or cause to be removed any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly from the premises of any livestock market in this state unless such animal shall have been inspected for marks and brands by a state stock inspector and an inspection certificate for such animal shall have been issued in connection with and for the purpose of such removal from the premises of such livestock market, as in this act provided.

Possession and exhibition of certificate of inspection.

The person in charge of any such cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being removed from any county in this state, where inspection

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thereof is required by this act shall have in his possession the certificate of inspection issued in connection therewith, and shall exhibit the same to any sheriff, deputy sheriff, constable, state stock inspector or deputy state stock inspector at the request of either of them.

Saddle or work animals being transported from county to county, certificate as travel permit.

In case of individual saddle or work animals being transported from county to county within the state by the owner thereof for his personal use and where there is no change of ownership, the inspection certificate as required by this act, may be endorsed as to purpose and extent of transportation by the inspector issuing same in order to serve as a travel permit within the state for a period not to exceed one hundred twenty (120) days for the animal described thereon. Such permit becomes void upon any transfer of ownership or if animal is to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

Cases in which Sec. 1 of act shall not apply.

The provisions of Section 1 of this act shall not apply,

(a) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being transported through the state in interstate commerce without leaving the custody of the carrier;

(b) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly transported by railroad consigned to and which, without leaving the custody of the carrier, does reach a market at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which animal a loading tally has been filed by the shipper with the carrier as provided in Section 3341 of the Revised Codes of Montana of 1935;

(c) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one county to the next adjoining county within the State of Montana on to land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding or changing the range thereof;

(d) to any animal or animals when driven on the hoof from one county to an adjoining county within the state for the purpose of shipment by railroad or delivery to a

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licensed public market by any person who has been the owner of said animal or animals for a period of at least three (3) months."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 111

An Act to Amend Section 5932, R. C. M., 1935, Relating to Corporation By-laws, Records and Amendment Thereof; to Provide That the Same May Be Printed, Typewritten or Photographed; Making the Same Retroactive.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5932 R. C. Mont. 1935, amended.

Section 1. That Section 5932, Revised Codes of Montana, 1935, be amended to read as follows:

By laws, recording of.

"5932. **By-Laws, Recording and Amendment of.** All by-laws adopted must be certified by a majority of the directors and secretary of the corporation, and *printed, typewritten, photographed,* or copied in a legible hand, in some book kept in the office of the corporation, to be known as the "book of by-laws," and no by-law shall take effect until so copied, and the book shall then be open to the inspection of the public during the office hours of each day except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted, at the annual meeting, or any other meeting of the stockholders or members, called for that purpose by the directors, by a vote representing two-thirds of the subscribed stock, or by two-thirds of the members. The written assent of the holders of two-thirds of the stock, or two-thirds of the members if there is no capital stock, shall be effectual to repeal or amend any by-law, or to adopt additional by-laws. The power to repeal and amend the by-laws and adopt new by-laws, may, by a similar vote at any such meeting, or similar written assent, be delegated to the board of directors. The power, when delegated, may be revoked, by a similar vote, at any regular meeting of the stockholders or members. Whenever any amendment or new by-law is adopted, it shall be so *printed, typewritten, photographed or* copied in the book

Repeal or amendment of by-laws.

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of by-laws with the original by-laws, and immediately after them, and shall not take effect until so *printed, typewritten, photographed or* copied. If any by-laws be repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or written consent was filed, shall be stated in said book, and until so stated the repeal shall not take effect. *All by-laws heretofore adopted and certified by a majority of the directors and secretary of the corporation and printed, typewritten, photographed or copied in a legible hand in the "book of by-laws" of said corporation and any amendment thereto or any repeal thereof made in the manner required by law and so printed, typewritten, photographed or copied, shall be given full force and effect from the date they were so printed, typewritten, photographed or copied."*

Effective date of by-laws.

Section 2. All acts and parts of acts in conflict herewith are repealed.

Repealing clause.

Approved February 25, 1949.

CHAPTER 112

An Act to Amend Sections 10210, 10211 and 10212 of the Revised Codes of Montana, 1935, Prescribing When an Executor and Administrator May Sell Property of the Estate, the Contents of a Petition for Sale and When the Court May Order Interested Persons to Appear.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10210 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 10210 R. C. Mont. 1935 amended.

"Section 10210. **Executor or Administrator May Sell Property, When.** When a sale of the property is necessary to pay the allowance of the family, or the debts outstanding against the decedent, or the debts, expenses, or charges of administration, or legacies; or when it appears to the satisfaction of the court that it is for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, that the real estate, or some part thereof, be sold, *or that said sale would alleviate expense or hardship to, or be to the best financial*

Executor or administrator may sell property when.

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interest of, the estate or those interested in the estate, including the minor heirs, if any, or if all heirs petition for such sale, the executor or administrator may sell any real as well as personal property of the estate, upon the order of the court or judge; and an application for the sale of real property may also embrace the sale of personal property."

Sec. 10211 R. C. Mont. 1935 amended.

Section 2. That Section 10211 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Verified petition for sale, contents of.

"Section 10211. **Verified Petition for Sale — What It May Contain and to What It May Refer.** To obtain such order for the sale of real property, he must present a verified petition to the court or judge, setting forth the amount of personal property that has come to his hands, and how much thereof, if any, remains undisposed of; the debts outstanding against the decedent, as far as can be ascertained or estimated; the amount due upon the family allowance, or that will be due after the same has been in force one year; the debts, expenses, and charges of administration already accrued, and an estimate of what will or may accrue during the administration; a general description of all the real property of which the decedent died seized, or in which he had any interest, or in which the estate has acquired any interest, and the condition and value thereof; and the names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner; and if said order for sale of real estate is petitioned for on the ground that it is for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, *or that said sale would alleviate expense or hardship to, or be to the best financial interest of, the estate or those interested in the estate, including the minor heirs, if any, or if all the heirs petition for such sale,* that a sale be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit would accrue to the estate, and those interested therein, by such sale. If any of the matters here enumerated cannot be ascertained, it must be so stated in the petition; but a failure to set forth the facts showing the sale to be necessary will not invalidate the subsequent proceedings, if the defect be supplied by the proofs at the hearing, and the general facts showing such necessity be stated in the order."

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Section 3. That Section 10212 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 10212 R. C. Mont. 1935 amended.

"Section 10212. **Order Directing Interested Persons to Appear.** If it appears to the court or judge, from such petition, that it is necessary, or that it would be for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, *or that said sale would alleviate expense or hardship to, or be to the best financial interest of, the estate or those interested in the estate, including the minor heirs, if any, or if all the heirs petition for such sale,* to sell the whole or some portion of the real estate, for the purposes and reasons mentioned in the preceding section, or any of them, such petition must be filed, and an order thereupon made, directing all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than fifteen, nor more than thirty days from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell so much of the real estate of the decedent as is necessary."

Order directing interested persons to appear.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1949.

CHAPTER 113

An Act to Amend Section 10622, Revised Codes of Montana, 1935, Relating to the Subpoena for Witness and Prescribing Where a Witness is Not Compelled to Attend.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10622, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 10622 R. C. Mont. 1935 amended.

"10622. **When a Witness Is Not Compelled to Attend.** A witness is not obliged to attend as a witness before any court, judge, or justice, or any other officer, out of the county in which he resides, unless the distance be less than *one hundred* miles from his place of residence to the place of the trial."

When a witness is not compelled to attend.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 114

An Act Relating to Taxation and Amending Section 4465.12 of the Revised Codes of Montana of 1935, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4465.12 R. C. Mont. 1935 amended.

Section 1. Section 4465.12, Revised Codes of Montana of 1935, is hereby amended to read as follows:

Tax levy for county purposes.

"Section 4465.12. The board of county commissioners has jurisdiction and power under such limitations and reservations as are prescribed by law: To levy such tax annually on the taxable property of the county, for county purposes as may be necessary to defray the current expenses thereof, including the salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the assessed valuation for any one year and to levy such taxes as are required to be levied by special or local statutes. Provided, however, that *on and after July 1, 1949, and extending to June 30, 1951, the board of county commissioners is authorized in its discretion to levy not to exceed twenty (20) mills on each dollar of the assessed valuation for any one year.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 115

An Act to Amend Section 2038, Revised Codes of Montana, 1935, as Amended by Chapter 14, Session Laws of 1943, Relating to Traveling Expenses of County Assessor and Deputies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2038, Revised Codes of Mon-

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tana, 1935, as amended by Chapter 14, Session Laws of Montana, 1943, be, and the same is hereby amended to read as follows:

Sec. 2038 R. C. Mont. 1935 amended.

"Section 2038. **Traveling Expenses of Assessor and Deputies.** The assessor in each county in this state shall be paid the actual and necessary traveling expenses, not exceeding *five* hundred dollars *($500.00)* in any one year, and his deputies shall be paid the actual and necessary traveling expenses not exceeding *two hundred dollars ($200.00)* each in any one *year*, incurred while in the performance of official duty, upon presenting and filing verified claims therefor, supported by vouchers for each item of expense to the board of county commissioners of their respective county."

Traveling expenses of assessor and deputies.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1949.

CHAPTER 116

An Act to Amend Section 1 of Chapter 69 of the Session Laws of Montana, 1943, Relating to the Permission of State Institutions Producing Surplus Commodities to Trade or Exchange Them for Needed Supplies Under Certain Conditions; Permitting the Giving Away of Surplus Production to Other State Institutions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 69 of the Session Laws of Montana, 1943, be, and the same is hereby amended to read as follows:

Sec. 1, Chap. 69 laws of 1943 amended.

"Section 1. Only when consent therefor is first obtained from the state board of examiners, any state institution incidentally engaged in producing commodities for its own use, and having a surplus of any commodities so produced, may exchange or trade the same for other commodities and supplies with another state institution or otherwise, *or may give any part or all of this surplus so produced to another state institution, when the best interests of state institutions* and the State of Montana are served thereby."

Exchange of surplus commodities by state institutions.

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Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

CHAPTER 117

An Act to Amend Section 3 of Chapter 188 of the Session Laws of Montana of 1937, Relating to the Procedure to Secure the Attendance of Witnesses from Without the State in Criminal Proceedings and Providing for Payment of Witnesses Summoned from Without the State to Testify in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 188 of the Session Laws of Montana of 1937, be amended to read as follows:

Witness from another state summoned to testify in this state.

"Section 3. **Witness From Another State Summoned to Testify in This State.** If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation, which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate will be presented to a judge of a court of record in the county in which the witness is found.

When witness may be taken into custody.

"If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him; and the judge being satisfied of the desirability of such custody and delivery, for which such determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate.

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"If the witness is summoned to attend and testify in this state, he shall be tendered the sum of ten cents (10¢) a mile for each mile and five dollars ($5.00) for each day that he is required to travel and attend as a witness, *provided further that in those cases in which the state wherein the witness is found has by statutory enactment required that the summoned witness be paid an amount or amounts in excess of the amount hereinbefore in this paragraph provided, then said witness may be tendered said amount or amounts so required by said state to be tendered though the said amount or amounts so required to be tendered are in excess of the said amounts in this paragraph provided for.* A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state."

Tender of mileage and witness fee.

Punishment for disobeying summons.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 25, 1949.

CHAPTER 118

An Act to Amend Section 8 of Chapter 199 of the Session Laws of Montana of 1943, Relating to Acts Constituting Crimes in the Use of the Highways and the Operation of Motor Vehicles in the State of Montana; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8 of Chapter 199 of the Session Laws of Montana of 1943, be, and the same is hereby amended to read as follows:

Sec. 8, Chap. 199 laws of 1943 amended.

"Section 8. **Acts Constituting Crimes.** For the purpose of this act, the following acts committed relative to the

Acts constituting crimes.

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use of the highways and the operation of motor vehicles in the State of Montana shall constitute a crime punishable by law as hereinafter provided:

1. Driving a motor vehicle without all proper licenses or permits as now required or hereafter provided.

2. *Starting a parked vehicle,* passing a motor or other vehicle, changing direction, or stopping on *the* highway *improperly or* without giving proper *signals as required by law.* The following shall constitute proper warning or signals:

Warning signals.

(1) Blow horn when passing.

(2) Left turn — left hand and arm extended horizontally.

(3) Right turn — left hand and arm extended upward.

(4) Stop or decrease speed — left hand and arm extended downward.

3. Passing a motor or other vehicle on blind curves, hills, or any other place where view is obstructed or obscured, or over an unbroken centerline.

Acts constituting crimes (continued)

4. Driving a vehicle, of any type, at night without suitable lights or reflectors *as prescribed by the Montana highway patrol board, who shall have authority to fix characteristics and adjustment of said lights and/or reflectors.*

5. Resisting or interfering with a patrolman making a legal arrest.

6. Driving an automotive vehicle in a reckless manner, or in excess of speeds designated by the highway patrol supervisor at dangerous points. Driving an automotive vehicle in a reckless manner is the violation of two (2) or more of the highway patrol board regulations or of the Montana motor vehicle code or any one or more violations of this act that has caused an accident, or in a manner which indicates a wilful disregard for one's own safety or the safety of others.

7. Operating a motor vehicle in an unsafe mechanical condition. This pertains specifically to brakes, lights, visibility of glass enclosures and windshields, steering devices

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and mechanical features enabling the operator to handle his car in a safe manner under all normal conditions.

Acts constituting crimes.

8. Driving an automotive vehicle in excess of forty (40) miles per hour on all sharp curves marked with standard highway markers.

9. Failing to observe 'school zone' signs, 'stop' signs, and other signs or signals legally placed along or on the highways.

10. Towing a trailer which is not equipped with safety chains or hitch approved by the supervisor or an assistant supervisor, tail light or approved reflector, and which is not constructed so as to operate without wobbling.

11. Propelling a bicycle on the public highway *one-half (½)* hour after sundown or *one-half (½)* hour before sunup which is not equipped with a white light visible under normal conditions at least *five* hundred *(500)* feet to the front and a rear light or reflex mirror exhibiting a red light to the rear. *Bicycles shall travel on the right hand side of the road.*

12. *No vehicle shall increase speed while being passed until the passing vehicle has pulled ahead and returned to the proper driving lane, nor shall he crowd or in any other way interfere with the passing of another vehicle.*

13. Operating a motor vehicle without windshield wiper *and* rearview mirror.

14. Permitting 'wrecker cars' or other towing agencies' equipment to block the highways without first placing flares at night and red flags during the day a sufficient distance, depending upon conditions, front and rear to protect oncoming traffic.

15. Allowing parked, disabled, or stalled motor truck, bus, trailer, *or house trailer* on the highway without having flares or lanterns during the night time, and red flags in the day time, placed at a sufficient distance, depending on conditions, front and rear, to allow oncoming traffic an opportunity to stop; and not removing such motor vehicle, trailer, *or house trailer* from the highway as quickly as possible.

16. Vehicles entering the main highways from a side

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road or drive must completely stop before entering said highway and right-of-way must be given to a vehicle traveling on the main highways.

Acts constituting crimes.

17. Stopping, *turning* or parking on *or along* the main traveled *highway where such vehicle can not be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet and unless drivers approaching from opposite directions are visible to each other when both are at least five hundred (500) feet from the vehicle to be stopped, turned, or parked, except in cases of justifiable emergency.*

18. Walking on other than the left hand side of the road.

19. Failing to drive to the right of the centerline at all times except when overtaking or passing a motor or other vehicle. Passing is allowed only where the driver overtaking another vehicle can see sufficient clear road to pass and return to his side of the road before endangering an approaching vehicle coming in the opposite direction.

20. Failing to observe the word, signal, or whistle of a highway patrolman, *who is hereby given* the authority to stop, examine and test any vehicle *operating on the highway.*

21. Operating a motor vehicle with more than three (3) persons in the driver's seat.

22. Operating a motor vehicle unless such vehicle is equipped with muffler in good working order and in constant operation to prevent excessive and unusual noise, and it shall be unlawful to use muffler 'cut-outs'.

23. Operating a motor vehicle in *any town or municipality* on state and federal highways at a speed exceeding twenty-five (25) miles per hour, *unless otherwise posted.*

24. Operating a motor truck, bus *or vehicle towing any trailer or trailer house* without *carrying three (3)* flares, lanterns, bombshells, *electric flares or portable reflectors capable of reflecting light in opposite directions (such reflectors must present reflecting surfaces of at least twelve (12) square inches in each direction from which other motor vehicles would approach) and/or operating* a trailer without suitable tail light and reflector.

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25. Using red or blue lights or a combination of red and blue lights on the front of any motor vehicle except police cars, sheriff's cars, emergency ambulances, wreckers or fire fighting apparatus.

Acts constituting crimes.

26. The use of sirens except on motor vehicles owned or operated by the highway patrol, police departments, sheriffs' forces, emergency ambulances or fire departments.

27. Operating a vehicle on any highway under construction or undergoing repair at a speed exceeding thirty-five (35) miles per hour or failing to stop when flagged.

28. Operating a truck, trailer or motor vehicle of a greater width than eighty (80) inches upon any state or federal highway in this state without a white, yellow or green light and reflector on each side of the body facing the front and on each side of the rear of such vehicle, a red light and reflector facing the rear.

29. Failure to turn out a spotlight when approaching and meeting a vehicle.

30. Operating a motor vehicle with more than ten per cent (10%) of the windshield and front, side and rear windows artificially obstructed in such a manner as to impair the view of the driver.

31. Operating a motor vehicle without a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet.

32. Refusal by any driver on the demand of an officer of the Montana highway patrol to submit to test of the lights and brakes of the motor vehicle which he is driving upon the highways of this state or to exhibit his driver's license.

33. Driving any motor vehicle on the streets or highways of this state after the fifteenth day of February, without having license plates for the current year displayed thereon.

34. Walking, riding a horse or driving a horse or team on a highway while under the influence of intoxicating liquors.

35. Shooting from or across the traveled part of a federal-aided highway of the State of Montana.

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36. Failing to dim lights when approaching a car from either the front or the rear.

Acts constituting crimes.

37. Following a motor or other vehicle at a distance which is too close to be reasonable and prudent under existing conditions.

38. Riding on the running boards or fenders of a motor vehicle.

39. Operating a motor vehicle in a careless, thoughtless or negligent manner, which has endangered or might endanger the operator or other persons or vehicles on the highway, but which does not indicate a reckless disregard of safety either for himself or others.

40. Driving or operating an automobile, truck, motorcycle or any other motor vehicle upon or over any highway or street or public thoroughfare within the State of Montana, whether within or without a municipality, while under the influence of intoxicating liquor or any drug or narcotic."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 119

An Act Designating the State Treasurer of the State of Montana As the Fiscal Agent of the State to Receive From the United States, or Any of Its Agencies, Funds Made Available As Grants to the State Under Any Act of Congress, or Otherwise, for Any Use or Purpose; Providing for Deposit of Such Funds in State Treasury, Repealing All Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

State treasurer designated as fiscal officer of state to receive funds granted to state by the United States government.

Section 1. The state treasurer of the State of Montana is hereby designated as the fiscal officer of the state to receive from the United States government, or any of its agencies, any and all funds which may be made available as a grant or grants to the State of Montana under any act of congress, or otherwise, for any purpose or use whatsoever. The state treasurer is hereby authorized, em-

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powered and directed, upon receipt of any such fund or funds, to deposit the same in the proper fund in the state treasury.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1949.

CHAPTER 120

An Act to Amend Section 20, of Chapter 152 of the Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to the State Aviation Fund, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 20, Ch. 152 laws of 1945 amended.

Section 1. That Section 20 of Chapter 152 of the laws of the twenty-ninth legislative assembly, 1945, be, and the same is hereby amended to read as follows:

State aviation fund created.

"Section 20. **State Aviation Fund.** Creation of State aviation fund—all costs and expenses of administering this act, including the salaries of employees and assistants provided for in Section 6 hereof, the expenses of members of the commission, and all other disbursements necessary to carry out the purposes of this act, shall be paid out of the state aviation fund hereby created.

Composition of fund.

The state aviation fund shall be made up of the following revenues to-wit: All gifts and all legislative appropriations for said fund; all moneys received from any branch or department of the federal government, or from other sources, for the purposes mentioned in this act or for the furtherance of aeronautics generally in this state.

Part of license tax on gasoline purchased for aircraft.

There shall also be paid into said fund the proceeds of one cent (1¢) per gallon out of *the amount* per gallon of gasoline license tax now *or hereafter* imposed by the laws of Montana upon purchases of gasoline used for the operation of aircraft.

Exception to Sec. 2381.22 R. C. Mont. 1935 as amended.

The revenue from said one cent (1¢) per gallon of said tax shall no longer be placed in either the state highway fund or the gasoline license drawback fund as now required by Section 2381.22, Revised Codes of Montana of 1935, as

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amended, but the same shall, when received by the state treasurer, be placed in the state aviation fund.

Exception to Sec. 2396.4 R. C. Mont. 1935 as amended.

No part of said one cent (1¢) per gallon of gasoline license tax imposed by the laws of Montana on gasoline purchased and used for the operation of aeroplanes or aircraft, shall be subject to refund under the provisions of Section 2396.4, Revised Codes of Montana, 1935, as amended, it being the intent of this section to reduce *by one cent (1¢) per gallon of* the amount of gasoline license tax which may be refunded on purchases of gasoline used in the operation of aircraft, and to leave otherwise unchanged the provisions of said Section 2396.4."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1949.

CHAPTER 121

An Act to Amend Section 2815.50 of the Revised Codes of Montana, 1935, as Amended by Section 9 of Chapter 14, Session Laws of 1941, Relative to the Disposition of the Revenue Received Under the Montana Beer Act; Providing for Payment to State Treasurer for Deposit in State General Fund; Repealing the Montana Beer Act Fund; Providing for Auditing of Books; Providing That All Accounting and Reports to be Prepared Under Montana Beer Act Shall be Prepared for State Fiscal Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.50 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2815.50 of the Revised Codes of Montana, 1935, as amended by Section 9 of Chapter 14, Session Laws of 1941, be, and the same is hereby amended to read as follows:

Revenue to be paid to state treasurer.

"Section 2815.50. **Revenue to Be Paid to State Treasurer — Audit of Books — Disposition of Revenue.** All fees, charges, taxes and *revenues* collected by or under authority of the *Montana liquor control* board, *under the Montana beer act* shall be paid over to the state treasurer *on or before the tenth day of each and every month who shall deposit said funds to the credit of the state general fund*, and the state examiner shall *annually* audit the books

Annual audit by state examiner.

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of the board in order to determine that the amount of money received as shown by the books of the board correspond with the books of the state treasurer."

Reports and accountings on basis of state fiscal year.

Section 2. Effective July 1, 1949, all annual reports and accountings to be compiled or prepared by the Montana liquor control board, under the Montana beer act, shall be compiled or prepared on the basis of the state fiscal year of July 1, 1949, to June 30, 1950, and each successive fiscal year.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect on and after July 1, 1949.

Approved February 28, 1949.

CHAPTER 122

An Act to Authorize the Boards of County Commissioners of the State of Montana to Provide For the Control of Noxious Rodents and Related Animals, such as Jackrabbits, Prairie Dogs, Ground Squirrels, Pocket Gophers, Rats, Mice and Other Rodents and Related Animals Which Are Injurious to Agriculture, Other Industries, and the Public Health; to Authorize Cooperation With the Montana Livestock Commission, and With the United States Department of the Interior, Fish and Wildlife Service; and to Provide Funds to Enable the Boards of County Commissioners to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Boards of county commissioners directed to co-operate with livestock commission of state and United States Department of Interior in control of noxious rodents and related animals.

Section 1. The boards of county commissioners of the State of Montana are hereby authorized and directed to co-operate with the Montana livestock commission and the United States department of the interior, fish and wildlife service, in the control and destruction of noxious rodents and related animals, such as jackrabbits, prairie dogs, ground squirrels, pocket gophers, rats, mice and other rodents and related animals that are injurious to agriculture, other industries, and the public health in accordance with organized and systematic plans of the fish

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and wildlife service covering the methods and procedures to be followed in the control and destruction of such noxious rodents and related animals; and for this purpose to enter into written agreements with the Montana livestock commission and with the fish and wildlife service, covering the methods and procedure to be followed in the control and destruction of such noxious rodents and related animals, the extent of supervision to be exercised be either or both the board of county commissioners and the fish and wildlife service, and the use and expenditures of funds hereinafter appropriated. Provided that the boards of county commissioners, in cooperation with the Montana livestock commission and the fish and wildlife service, are authorized also to enter into cooperative agreements with other governmental agencies, counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of noxious rodents and related animals.

Co-operative agreements with other governmental agencies.

Expenditures from county rodent control fund authorized.

Section 2. In order to perform such rodent control work, the boards of county commissioners are authorized to make necessary expenditures from the county rodent control fund hereinafter established for equipment, materials, supplies, and other expenses, including expenditures for personal services, as may be necessary to execute the functions imposed upon them by this act.

County rodent control fund, and levy for.

Section 3. The board of county commissioners are authorized to appropriate from the county general fund not in excess of ten thousand dollars ($10,000.00) annually, and transfer same to the county rodent control fund, and /or to levy a tax of not to exceed two (2) mills on the taxable valuation of all agricultural, horticultural, grazing and timber lands, and their improvements. Said tax shall be collected as other county taxes and credited to the county rodent control fund.

Purchase of supplies.

Section 4. In addition to the expenditures hereinbefore authorized the boards of county commissioners are authorized to purchase rodent control supplies, including rodent baits for the use of cooperating governmental agencies, counties, associations, corporations, or individuals in the control of noxious rodents and related animals, and to make these supplies and baits available to such cooperators at approximate cost. The receipts from the

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sale of such supplies and rodent baits shall be credited to a "county rodent control fund", which fund is hereby established, and said fund shall be made permanently available and is hereby appropriated for expenditure by the boards of county commissioners in the same manner as herein provided in Section 2, of this act.

Repealing clause.

Section 5. All acts or parts of acts in conflict are hereby repealed.

Effective date.

Section 6. In the opinion of the state legislative assembly an emergency exists; therefore, this act shall be in force and effect from and after its passage and approval.

Approved February 28, 1949.

CHAPTER 123

An Act to Amend Section 2 of Chapter 206 of the Laws of the Twenty-eighth Legislative Assembly of the State of Montana, 1943, Relating to a Predatory Animal Control Program for Sheep Protection; Fixing the Time When the Levy of the Annual License Fee Shall be Made; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing When This Act Shall Take Force and Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 206 laws of 1943 amended.

Section 1. That Section 2 of Chapter 206 of the laws of the twenty-eighth legislative assembly of the State of Montana, 1943, be, and the same is hereby amended to read as follows:

Annual per capita license fee on sheep.

"Section 2. To defray the expense of such protection the board of county commissioners of any county shall have the power to require all owners or persons in possession of any sheep, one year old or over, in the county on the first Monday of June in each year to secure a license and pay a license fee of not exceeding five cents (5¢) per head of sheep so owned or possessed by him in the county. *The assessor shall ascertain, in addition to the regular assessment for taxation purposes, on the first Monday in March, all sheep which will be one year old or over as of the first Monday in June within the county in said year, and shall keep such information in a separate record from the regular*

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assessment, and shall include any sheep that shall come into the county between the first Monday in March and the first Monday in June. Provided that any owner or person in possession who has removed any sheep from the county prior to the first Monday in June of such year and which will not be pastured in said county during the grazing season of said year, may have the same exempted from the license herein provided by presenting an affidavit of such facts to the assessor. The board of county commissioners shall then order a license fee to be levied against all sheep as provided in this act, which are not so exempted. Upon the order of the board of county commissioners such license fees may be imposed by the entry thereof in the name of the licensee upon the property tax rolls of the county by the county assessor or the county clerk and recorder and shall be payable to and collected by the county treasurer as and when county personal property taxes are by law payable and collected, and when so levied shall be a lien upon the property of the licensee enforceable under the laws provided for the collection of taxes on personal property, and when collected said fees shall be placed by the treasurer in the predatory animal control fund, and the moneys in said fund shall be expended on order of the board of county commissioners of the county for predatory animal control only."

Disposition of fees collected.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1949.

CHAPTER 124

An Act to Amend Section 4526 of the Revised Codes of Montana, 1935, as Amended by Section 2, Chapter 131, Session Laws of 1943, Relating to Contracts for Care of Poor and Indigent Sick and Infirm of Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4526 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 4526 of the Revised Codes of Montana, 1935, as amended by Section 2, Chapter 131, Session Laws of 1943, be, and the same is hereby amended to read as follows:

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"4526. **Contracts for Care of Poor and Indigent Sick and Infirm.** Separate proposals may be made for the care, support and maintenance of the county poor, and for the care and maintenance of the indigent sick and infirm of the county, and such proposals shall be addressed to the clerk of the board. The board may annually, at its June meeting, award a contract for the care, support and maintenance of the county poor for *a period not exceeding three (3) years* to the lowest responsible bidder or bidders therefor, and may also award a contract for the care and maintenance of the indigent sick and infirm of the county for *a period not exceeding three (3) years* to the lowest responsible bidder or bidders therefor; provided, that if the lowest responsible bidder or bidders for the care, support and maintenance of the county poor shall also be the lowest responsible bidder or bidders for the care and maintenance of the indigent sick and infirm of the county, both of such contracts may be awarded to such bidder or bidders; and provided further, that if a county owns a county poor farm, with suitable buildings of sufficient size to care for the poor and indigent sick and infirm of the county, the county commissioners of such county may employ some suitable person as superintendent of such poor farm, and the county may maintain the said poor and indigent sick and infirm at said farm at the expense of such county. Such superintendent shall at all times be under the control of and subject to the orders of the board of county commissioners, and may be removed by them at any time."

Contracts for care of poor and indigent sick and infirm.

Proviso: When county may maintain such persons on county poor farm at county expense.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 125

An Act to Amend Section 3695, of the Revised Codes of Montana, 1935, Relating to Private Artificial Lake or Pond, Stocking, License, Bond, Reports, and Restrictions on Catching Fish; Providing the Penalty for Violation of the Act; and Repealing Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3695 R. C. Mont. 1935 amended.

Section 1. That Section 3695 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Private artificial pond or lake, license for stocking.

"Section 3695. *Private Artificial Lake or Pond — Stocking — License — Bond — Reports — Restrictions on Catching Fish — Penalty for Violation.* Any person who owns or lawfully controls an artificial lake or pond may *apply to the state fish and game warden for a fish pond license. Any holder of a private fish pond license may stock such fish pond with fry procured from any lawful source provided that the state fish and game commission may designate the species of fish which may be released in said pond when said pond is so located that there is a possibility of fish escaping from the pond into adjacent streams or lakes.* Such private pond license holder shall have the right to take fish from said lake or pond in any manner. Before any private pond license holder may sell fish or eggs or fry therefrom, he shall be required to

Surety bond to state.

furnish a corporate surety bond to the State of Montana in the sum of *five* hundred dollars *($500.00)*, conditioned to the effect that he will not sell fish *or spawn taken from fish* caught in any of the public waters of this state, and

Annual report by licensee.

also conditioned to the effect that he will report to the state *fish and* game warden the quantity of fish, fish eggs, and spawn taken from said lake or pond, *said report to be made under oath annually during the month of January*

Record required.

each year. A record of all transactions must be kept showing the species and numbers or pounds of fish sold, number and species of eggs sold, number and species of fry sold, name of person or persons to whom sold and date of transaction.

"Artificial lake or pond" defined.

The *term* 'artificial lake or pond' as herein used shall not be construed to include any natural pond or body of water created by natural *means, nor any portion of the stream bed or of the lake bed thereof,* but shall be limited only to such bodies of water created by artificial *means* or diversion of water and shall not exceed five hundred acres (500) of surface area.

Penalty for violation.

Any person or persons violating any provision of the act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 3706, Revised Codes of Montana, 1935."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1949.

CHAPTER 126

An Act to Amend Section 11346, Revised Codes of Montana, 1935, Defining the Crime of Burglary, and to Amend Section 11349, Revised Codes of Montana, 1935, Defining the Word "Enter."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11346, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 11346 R. C. Mont. 1935 amended.

"11346. **Burglary Defined.** Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, *automobile,* vessel, *or* railroad car, with intent to commit grand or petit larceny or any felony, is guilty of burglary." Burglary defined.

Section 2. That Section 11349, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 11349 R. C. Mont. 1935 amended.

"11349. **Word "enter" defined.** The word "enter," as used in this chapter, includes the entrance of the offender into such house, room, apartment, tenement, shop, warehouse, *store, mill, barn,* stable, outhouse, or other building, tent, *automobile,* vessel, or railroad car, or the insertion therein of any part of his body, or of any instrument or weapon held in his hand, or used or intended to be used, to threaten or intimidate the inmates, or to detach or remove the property." Word "enter" defined.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 1, 1949.

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CHAPTER 127

An Act to Amend Chapter 118 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, Relating to Contracts for Public Printing, Fixing the Prices Therefor, Providing for a Penalty for Violation of the Provisions of This Act, Repealing Chapter 250 of the Laws of the Thirtieth Legislative Assembly of the State of Montana, 1947, and Repealing All Other Acts, or Parts of Acts, in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 118 laws of 1937 amended.

Section 1. That Chapter 118 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, be, and the same is hereby amended to read as follows:

County commissioners to contract for printing

"Section 1. It is hereby made the duty of the county commissioners of the several counties of the State of Montana to contract with some newspaper, printed and published at least once a week, and of general bona fide and paid circulation with second class mailing privilege, printed and published within the county, and having been printed and published continuously in such county at least twelve (12) months immediately preceding the awarding of such contract, to do and perform all the printing for which said counties may be chargeable, including all legal advertising required by law to be made, blanks, blank books, election supplies, loose leaf forms, official publications, and all other printed forms required for the use of such counties at not more than the prices specified in Sections 2 to 17 *both* inclusive of this act."

Maximum rates until July 1, 1951.

"Section 2. **Official Publications and Legal Advertising.** For every folio or fraction thereof, not more than one dollar and fifty cents ($1.50) shall be paid for the first insertion thereof, and not more than *ninety* cents *(90¢)* per folio for each subsequent insertion thereof, required by law to be made. For rule and figure work, not more than two dollars *and fifty cents ($2.50)* per folio or fraction thereof, for the first insertion, and not more than *ninety* cents *(90¢)* per folio for each subsequent insertion thereof, required by law to be made. *The rates fixed in this section shall be in force and effect from the effective date of this act until July 1, 1951. After said date the rates*

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to be charged for the printing specified in this section shall be as follows: For every folio or fraction thereof, not more than one dollar and fifty cents ($1.50) for the first insertion thereof, and not more than fifty cents (50¢) per folio for each subsequent insertion required by law to be made. For rule and figure work, not more than two dollars ($2.00) per folio or fraction thereof, for the first insertion, and not more than fifty cents (50¢) per folio for each subsequent insertion required by law to be made.

Rates after July 1, 1951.

That for the purpose of establishing a basis of folio measurement, one standard newspaper column, when set in the following mentioned type size, shall constitute a folio: 12 lines of solid six point, or approximately one hundred words; fourteen lines of solid seven point, or approximately one hundred words; fifteen lines of solid eight point, or approximately one hundred words; seventeen lines of solid nine point, or approximately one hundred words; *eighteen* lines of solid ten point, or approximately one hundred words.

Basis of folio measurement.

For the purpose of determining the different sizes of type hereinbefore mentioned, the following point system measurements as universally used by the graphic arts industries shall prevail: Computing seventy-two points to a linear column inch, there shall be twelve lines of solid six point; 10.285 lines of solid seven point; nine lines of solid eight point; eight lines of solid nine point; 7.2 lines of solid ten point to each column inch.

Sizes of type.

For rule and figure work the basis for determination of this style shall be not less than two justifications."

Rule and figure work.

"Section 3. **Envelopes.**

Envelopes.

	500	1000	Addl. 1000
White Wove 6¾-24 Grade 350	$ 6.00	$ 9.20	$ 6.25
6¾-28 Grade 400	6.35	9.85	6.90
10-24 Grade 500	7.00	11.10	8.25
10-28 Grade 600	7.60	12.40	9.50
White Bond 6¾-20 Grade 350	6.00	9.20	6.25
10-20 Grade 500	6.35	9.85	6.90
Manila or Kraft 6¾-20 Grade 250	4.90	7.00	4.10
10-28 Grade 500	7.00	11.10	8.25
12-28 Grade 700	8.25	13.70	10.80

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Letterheads.

"Section 4. **Letterheads.**

	250	500	1000	Addl. 1000
8½x7-16 or 20, *Grade 27½*	*$ 8.45*	*$ 9.70*	*$12.15*	*$ 4.65*
8½x7-16 or 20, *Grade 40*	*8.75*	*10.30*	*13.35*	*5.85*
8½x11-16 or 20, *Grade 27½*	*8.75*	*10.30*	*13.35*	*5.85*
8½x11-16 or 20, *Grade 40*	*9.15*	*11.10*	*14.95*	*7.45*

Legal blanks.

"Section 5. **Legal Blanks.**

	250	500	1000	Addl. 1000
7x8½, printed one side	*$ 9.25*	*$10.90*	*$14.45*	*$ 6.70*
7x8½, printed two sides	*17.00*	*19.25*	*23.85*	*8.80*
8½x14, printed one side	*11.55*	*14.40*	*20.35*	*11.50*
8½x14, printed two sides	*20.00*	*23.50*	*30.60*	*13.65*
8½x28, printed one side	*21.70*	*28.10*	*40.65*	*24.75*
8½x28, printed two sides	*36.55*	*43.80*	*57.70*	*27.45*

General office forms, original only.

"Section 6. **General Office Forms, Original Only.** Printed one or two sides, padded or loose. Actual cost of paper per ream pound indicates the grade number listed herewith. Grade numbers cover either 13, 16, or 20 pound substance paper.

	250	500	1000	Addl. 1000
Size 4⅜x8½				
1 side, Grade *20*	*$ 9.90*	*$10.75*	*$12.30*	*$ 3.65*
1 side, Grade *30*	*10.05*	*11.10*	*13.10*	*4.55*
1 side, Grade *40*	*10.25*	*11.40*	*13.60*	*5.30*
Different form other side add	*7.15*	*7.70*	*8.90*	*.70*

	250	500	1000	Addl. 1000
Size 5½x8½				
1 side, Grade *20*	*$11.10*	*$12.00*	*$13.80*	*$ 4.15*
1 side, Grade *30*	*11.25*	*12.35*	*14.45*	*4.90*
1 side, Grade *40*	*11.40*	*12.65*	*15.10*	*5.70*
Different other side add	*7.85*	*8.45*	*9.60*	*.80*

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	250	500	1000	Addl. 1000	
Size 6x9½-7¼x8½					
1 side, Grade *20*	*$13.15*	*$14.25*	*$16.20*	*$ 4.60*	
1 side, Grade *30*	*13.35*	*14.65*	*17.05*	*5.50*	General office forms, original only.
1 side, Grade *40*	*13.60*	*15.05*	*17.85*	*6.55*	
Different other side add	*9.10*	*9.70*	*10.85*	*.80*	

	250	500	1000	Addl. 1000
Size 7x10-8½x9¼				
1 side, Grade 22½	*$15.55*	*$16.85*	*$19.25*	*$ 5.50*
1 side, Grade 27½	*15.70*	*17.10*	*19.75*	*6.25*
1 side, Grade 40	*16.05*	*17.80*	*21.15*	*7.85*
Different other side add	*10.70*	*11.30*	*12.45*	*.80*

	250	500	1000	Addl. 1000
Size 8½x11-*6¾x 14*				
1 side, Grade *22½*	*$17.90*	*$19.95*	*$22.70*	*$ 6.50*
1 side, Grade *27½*	*18.05*	*20.25*	*23.35*	*7.25*
1 side, Grade *40*	*18.45*	*21.05*	*24.95*	*9.20*
Different other side add	*12.90*	*13.50*	*14.75*	*.95*

	250	500	1000	Addl. 1000
Size 8½x14 or 9½x12				
1 side, Grade *22½*	*$21.85*	*$23.60*	*$26.70*	*$ 7.35*
1 side, Grade *27½*	*22.05*	*23.90*	*27.50*	*8.40*
1 side, Grade *40*	*22.60*	*24.95*	*29.55*	*10.85*
Different other side add	*15.10*	*15.70*	*16.90*	*1.10*

	250	500	1000	Addl. 1000
Size 8x19 or 11¼x14				
1 side, Grade *22½*	*$27.25*	*$29.45*	*$33.60*	*$ 9.65*
1 side, Grade *27½*	*27.50*	*29.95*	*34.70*	*11.00*
1 side, Grade *40*	*28.20*	*31.35*	*37.40*	*14.30*
Different other side add	*18.60*	*19.35*	*20.80*	*1.30*

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General office forms, original only.

	250	500	1000	Addl. 1000
Size 11x17 or 7½x24				
1 side, Grade 22½	*$32.00*	*$34.25*	*$38.55*	*$10.10*
1 side, Grade 27½	*32.35*	*34.90*	*39.80*	*11.55*
1 side, Grade 40	*33.15*	*36.50*	*43.05*	*15.50*
Different other side add	*21.80*	*22.60*	*24.05*	*1.30*

	250	500	1000	Addl. 1000
Size 12x19 *or 14x17*				
1 side, Grade *22½*	*$41.15*	*$43.80*	*$48.85*	*$12.10*
1 side, Grade *27½*	*41.55*	*44.60*	*50.50*	*14.10*
1 side, Grade *40*	*42.60*	*46.65*	*54.60*	*18.95*
Different other side add	*28.05*	*28.85*	*30.30*	*1.30*

	250	500	1000	Addl. 1000
Size 17x22 or 11x34				
1 side, Grade 22½	*$42.20*	*$45.90*	*$53.10*	*$17.05*
1 side, Grade 27½	*42.85*	*47.20*	*55.65*	*20.15*
1 side, Grade 40	*44.45*	*50.40*	*62.10*	*27.85*
Different other side add	*27.45*	*28.25*	*29.70*	*2.05*

	250	500	1000	Addl. 1000
Size 19x24 or 12x38				
1 side, Grade 22½	*$53.60*	*$57.90*	*$66.40*	*$20.35*
1 side, Grade 27½	*54.35*	*59.45*	*69.55*	*24.05*
1 side, Grade 40	*56.35*	*63.40*	*77.40*	*33.50*
Different other side add	*35.00*	*35.75*	*37.20*	*2.60*

	250	500	1000	Addl. 1000
Size 17x28 or 14x34				
1 side, Grade 22½	*$53.90*	*$58.40*	*$67.45*	*$21.40*
1 side, Grade 27½	*54.70*	*60.05*	*70.70*	*25.40*
1 side, Grade 40	*56.75*	*64.15*	*78.90*	*35.20*
Different other side add	*35.50*	*36.25*	*37.75*	*3.35*

"Section 7. **General Forms, Receipts and Requisitions in Duplicate or More Copies.** Actual cost of paper per

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pound for both original and duplicate copies as indicated by the grade numbers listed herewith. Grade numbers cover either 13, 16 or 20 substance paper, perforated, gathered, numbered and padded.

General forms, receipts and requisitions in duplicate or more copies.

	250	500	1000	Addl. 1000
Size 3½x8½ or less, 1 side only Original and Duplicate,				
Grade *60*	*$11.90*	*$14.40*	*$19.20*	*$ 8.25*
Grade *80*	*12.15*	*14.95*	*20.35*	*9.35*
Grade *100*	*12.25*	*15.20*	*20.70*	*9.80*
Triplicate or more, and for each additional blank, Grade *30*	*1.20*	*2.25*	*4.10*	*2.70*
Bound 50 sets to book in tag or marbleboard cover	*1.10*	*1.80*	*3.20*	*2.90*
If original printed both sides, add	*9.00*	*9.70*	*10.95*	*.70*
If original and duplicate printed both sides, add	*9.70*	*10.95*	*10.60*	*1.05*

	250	500	1000	Addl. 1000
Size 5½x8½, 1 side only Original and Duplicate,				
Grade *60*	*$14.65*	*$17.65*	*$21.60*	*$10.60*
Grade *80*	*14.90*	*18.20*	*23.25*	*12.35*
Grade *100*	*15.20*	*18.75*	*24.40*	*13.50*
For each additional blank, add Grade *30*	*1.50*	*2.70*	*5.05*	*3.75*
Bound 50 sets to book in tag or marbleboard cover	*1.40*	*2.10*	*3.40*	*3.30*
If original printed both sides, add	*11.40*	*12.05*	*13.30*	*.70*
If original and duplicate printed both sides, add	*12.05*	*13.30*	*13.95*	*1.15*

	250	500	1000	Addl. 1000
Sizes over 5½x8½, but not over *7x11*, 1 side only Original and Duplicate				
Grade *60*	*$20.15*	*$23.70*	*$30.65*	*$13.00*
Grade *80*	*20.55*	*24.70*	*32.55*	*14.85*
Grade *100*	*21.05*	*25.65*	*34.50*	*16.80*

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General forms, receipts and requisitions in duplicate or more copies.

For each additional blank, add Grade *30*	*1.90*	*3.50*	*6.55*	*5.35*
Bound 50 sets to book in tag or marble board cover	*1.45*	*2.20*	*3.60*	*3.30*
If original printed both sides add	*11.80*	*12.45*	*13.70*	*.80*
If original and duplicate printed both sides *add*	*12.45*	*13.70*	*14.45*	*1.20*

	250	500	1000	Addl. 1000
Sizes over 7x11, but not over 8½x*11*, 1 side only Original and Duplicate, Grade *60*	*$23.60*	*$27.60*	*$35.55*	*$14.35*
Grade *80*	*24.15*	*28.75*	*37.80*	*16.65*
Grade *100*	*24.75*	*29.90*	*40.05*	*18.90*
For each additional blank, add Grade *30*	*2.05*	*3.85*	*7.15*	*5.85*
Bound 50 sets to book in tag or marbleboard cover	*1.55*	*2.40*	*3.85*	*3.60*
If original printed both sides *add*	*14.20*	*14.85*	*16.25*	*.80*
If original and duplicate printed both sides, *add*	*14.85*	*16.25*	*16.90*	*1.26*

	250	500	1000	Addl. 1000
Sizes over 8½x*11*, but not over *8½x14*, 1 side only Original and Duplicate, Grade *60*	*$27.70*	*$32.35*	*$41.25*	*$16.70*
Grade *80*	*28.45*	*33.80*	*44.15*	*19.60*
Grade *100*	*29.15*	*35.25*	*47.00*	*22.50*
For each additional blank add, Grade *30*	*2.35*	*4.35*	*8.20*	*6.90*
Bound 50 sets to book in tag or marbleboard cover	*1.65*	*2.65*	*4.30*	*4.05*
If original printed both sides *add*	*16.60*	*17.25*	*18.60*	*.80*
If original and duplicate printed both sides, *add*	*17.25*	*18.60*	*19.25*	*1.30*

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General forms, receipts and requisitions in duplicate or more copies.

	250	500	1000	Addl. 1000
Sizes over 8½x14, but not over 7¼x17, 1 side only				
Original and Duplicate,				
Grade *60*	*$29.35*	*$34.50*	*$44.40*	*$17.00*
Grade *80*	*30.15*	*36.00*	*47.40*	*20.00*
Grade *100*	*30.85*	*37.50*	*50.40*	*23.10*
For each additional blank, add				
Grade *30*	*2.50*	*4.50*	*8.50*	*7.20*
Bound 50 sets to book in tag or marbleboard cover	*3.20*	*3.75*	*6.50*	*6.25*
If original printed both sides *add*	*17.80*	*18.60*	*20.15*	*.90*
If original and duplicate printed both sides, *add*	*18.60*	*20.15*	*21.00*	*1.50*

	250	500	1000	Addl. 1000
Sizes over 7¼x17, but not over *11x17*, 1 side only				
Original and Duplicate,				
Grade *60*	*$39.95*	*$46.10*	*$58.10*	*$23.00*
Grade *80*	*41.05*	*48.35*	*62.65*	*27.50*
Grade *100*	*42.20*	*50.60*	*67.15*	*32.05*
For each additional blank, add				
Grade *30*	*3.30*	*6.05*	*11.35*	*10.10*
Bound 50 sets to book in tag or marbleboard cover	*2.40*	*4.20*	*7.35*	*7.15*
If original printed both sides *add*	*24.00*	*24.85*	*26.45*	*1.20*
If original and duplicate printed both sides, *add*	*24.85*	*26.45*	*27.66*	*2.35*

"Section 8. **Tax Receipts In Quintuple** *and more or less copies.* Perforated, gathered, numbered, different color paper for each sheet, bound in books of 50 sets each complete.

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Tax receipts in quintuple and more or less copies.

	500 or Less	1000	2000	3000	Addl. 1000
Size 8½x11	*$52.40*	*$ 77.45*	*$128.85*	*$176.60*	*$50.10*
If additional sheet add	*3.75*	*6.85*	*11.85*	*16.85*	*5.00*
Add for extra color	*3.10*	*6.95*	*9.10*	*12.20*	*3.10*
If statement printed on other side add	*4.60*	*8.75*	*11.85*	*15.00*	*3.10*
Size 9¼x11⅞ or 8½x14	*61.10*	*89.10*	*145.55*	*201.45*	*56.00*
If additional sheet add	*5.00*	*8.10*	*13.10*	*18.75*	*5.95*
Add for extra color	*3.75*	*6.55*	*9.70*	*12.80*	*3.10*
If statement printed on other side add	*6.25*	*9.40*	*12.50*	*15.60*	*3.10*
Size 10¾x16¾ or 11x17	*79.90*	*114.05*	*184.20*	*252.65*	*68.45*
If additional *sheet* add	*6.55*	*10.55*	*16.50*	*24.75*	*7.40*
Add for extra color	*4.40*	*7.20*	*10.30*	*12.90*	*3.75*
If statement printed on back add	*6.90*	*10.00*	*12.60*	*16.25*	*3.75*

Price on more or less than five copies, how computed.

"To ascertain price on more than five copies (quintuple) add for each additional sheet: for less than five copies, deduct for each sheet at rate set forth above for sizes specified.

"Section 9. **Assessment Lists** — *Printed 1 or 2 sides*

	1000	2000	3000	Addl. 1000
Size 8½x14 in duplicate, gathered padded, perforated	*$65.05*	*$ 91.35*	*$117.35*	*$27.55*
If original only, padded	*48.40*	*56.55*	*64.70*	*8.25*
Bound in books of 50 or 75 sets add	*6.60*	*9.90*	*13.20*	*3.30*

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Assessment lists.

Size 8¾x15 to 9½x16½ or 9½x17 in duplicate	*74.15*	*104.05*	*133.40*	*28.05*
If original only, padded	*56.00*	*65.05*	*73.80*	*10.25*
If bound in books of 50 or 75 sets add	*7.60*	*12.65*	*17.05*	*5.00*
Size 14x17 in duplicate	*79.30*	*127.70*	*163.05*	*33.75*
If original only, padded	*68.20*	*78.10*	*88.25*	*10.45*
If bound in books of 50 or 75 sets add	*8.80*	*14.55*	*18.15*	*6.05*

Imprinting government stationery.

"Section 10. Imprinting corner card on government stamped envelopes and printing post cards, stock furnished.

	500	1000	2000	3000	Addl. 1000
Envelopes	*$3.00*	*$ 4.50*	*$ 7.50*	*$10.50*	*$3.00*
Post Cards, 1 side printed	*4.15*	*5.25*	*7.50*	*9.75*	*3.00*
Both sides printed	*7.90*	*10.15*	*14.65*	*19.15*	*4.50*

"Section 11. **Index Cards,** *Class B, Grade 800.*

Index cards.

	500	1000	Addl. 1000
3x5 one side	*$ 9.35*	*$11.95*	*$ 4.70*
Same form, both sides	*10.95*	*14.45*	*6.20*
Different *forms, each* side	*16.85*	*20.25*	*6.20*
4x6 one side	*11.60*	*15.05*	*6.45*
Same form, both sides	*13.20*	*17.60*	*8.05*
Different *forms, each* side	*20.05*	*24.50*	*8.05*
5x8 one side	*14.15*	*18.85*	*9.20*
Same form, both sides	*15.75*	*21.40*	*10.80*
Different *forms, each* side	*23.90*	*29.60*	*10.80*

Special ruled and printed forms.

"Section 12. **Special Ruled and Printed Forms.** Prices apply to both sides ruled different with deductions for ruling and printing the same both sides or ruled and printed one side only. Prices include punching for loose leaf holders with rings or posts and green edging of sheets. Numbering of guide lines printed along binding edge of sheet, add one dollar and fifty cents ($1.50) for each guide line.

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Special ruled and printed forms.

8½x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *31.15*	$ *36.70*	$ *46.45*	$ *16.15*
Grade *30*-32 Sub.	*31.40*	*37.30*	*47.60*	*18.80*
Grade *60*-36 Sub.	*33.70*	*42.05*	*56.95*	*28.20*
Deduct if both sides alike	*5.05*	*4.95*	*4.85*	*.25*
Deduct if printed and ruled, 1 side only	*7.80*	*8.60*	*10.10*	*2.50*

8½x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *36.20*	$ *42.30*	$ *53.30*	$ *20.00*
Grade *30*-32 Sub.	*36.60*	*42.95*	*54.65*	*21.50*
Grade *60*-36 Sub.	*39.50*	*49.00*	*66.55*	*33.40*
Deduct if both sides ruled and printed alike	*7.35*	*7.25*	*7.10*	*.25*
Deduct if ruled and printed, 1 side only	*9.35*	*10.10*	*11.60*	*2.80*

9¼x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.	$ *40.25*	$ *47.65*	$ *61.10*	$ *26.40*
Grade 30-32 Sub.	*40.80*	*48.65*	*63.10*	*25.95*
Grade 60-36 Sub.	*45.10*	*56.95*	*79.50*	*44.20*
Deduct if both sides ruled and printed alike	*7.35*	*7.25*	*7.10*	*.25*
Deduct if ruled and printed, 1 side only	*9.35*	*10.10*	*11.60*	*2.80*

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Special ruled and printed forms.

9½x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *32.75*	$ *38.85*	$ *49.85*	$ *19.50*
Grade *30*-32 Sub.	*33.05*	*39.55*	*51.25*	*20.85*
Grade *60*-36 Sub.	*35.95*	*45.30*	*62.70*	*32.40*
Deduct if both sides ruled and printed alike	*5.55*	*5.45*	*5.35*	*.25*
Deduct if ruled and printed, 1 side only	*8.10*	*8.85*	*10.35*	*2.50*

9½x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *55.00*	$ *64.80*	$ *83.95*	$ *34.75*
Grade *30*-32 Sub.	*55.70*	*66.25*	*85.55*	*37.55*
Grade *60*-36 Sub.	*61.50*	*77.70*	*108.50*	*60.50*
Deduct if both sides ruled and printed alike	*11.40*	*11.20*	*11.00*	*.25*
Deduct if ruled and printed, 1 side only	*13.90*	*14.90*	*16.90*	*5.60*

10½x16 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *44.50*	$ *52.70*	$ *67.55*	$ *27.70*
Grade *30*-32 Sub.	*45.10*	*53.65*	*69.65*	*29.80*
Grade *60*-36 Sub.	*49.40*	*62.15*	*86.50*	*43.55*
Deduct if both sides ruled and printed alike	*8.85*	*8.75*	*8.60*	*.50*
Deduct if ruled and printed, 1 side only	*10.85*	*11.85*	*13.65*	*2.75*

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Special ruled and printed forms.

11x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *38.65*	$ *46.10*	$ *59.50*	$ *26.30*
Grade *30*-32 Sub.	*39.20*	*47.10*	*61.55*	*28.25*
Grade *60*-36 Sub.	*43.45*	*55.40*	*77.95*	*44.15*
Deduct if both sides ruled and printed alike	*6.85*	*6.75*	*6.00*	*.25*
Deduct if ruled and printed, 1 side only	*8.10*	*8.85*	*10.35*	*2.80*

11x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *46.70*	$ *55.00*	$ *70.75*	$ *25.90*
Grade *30*-32 Sub.	*47.30*	*56.15*	*73.10*	*31.80*
Grade *60*-36 Sub.	*51.90*	*65.50*	*91.80*	*50.50*
Deduct if both sides ruled and printed alike	*9.40*	*9.30*	*9.15*	*.50*
Deduct if ruled and printed, 1 side only	*11.40*	*12.40*	*14.15*	*3.05*

11¼x24½ TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.	$ *62.00*	$ *73.30*	$ *94.40*	$ *38.65*
Grade 30-32 Sub.	*62.95*	*75.05*	*97.90*	*42.10*
Grade 60-36 Sub.	*69.95*	*89.15*	*126.00*	*70.20*
Deduct if both sides ruled and printed alike	*12.65*	*12.50*	*12.30*	*.50*
Deduct if ruled and printed, 1 side only	*14.90*	*16.15*	*18.20*	*3.05*

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12x9½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

Special ruled and printed forms.

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *31.60*	$ *37.70*	$ *48.65*	$ *19.55*
Grade *30*-32 Sub.	*31.90*	*38.40*	*50.10*	*21.00*
Grade *60*-36 Sub.	*34.60*	*44.15*	*61.55*	*32.45*
Deduct if both sides ruled and printed alike	*5.35*	*5.25*	*5.15*	*.25*
Deduct if ruled and printed, 1 side only	*7.85*	*8.60*	*10.10*	*2.55*

12x19 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *52.25*	$ *63.10*	$ *80.05*	$ *33.25*
Grade *30*-32 Sub.	*53.00*	*63.50*	*82.85*	*36.05*
Grade *60*-36 Sub.	*58.75*	*74.95*	*105.80*	*59.00*
Deduct if both sides ruled and printed alike	*10.90*	*10.75*	*10.50*	*.25*
Deduct if ruled and printed, 1 side only	*13.40*	*14.40*	*16.40*	*2.80*

12x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *61.20*	$ *72.50*	$ *93.30*	$ *38.30*
Grade *30*-32 Sub.	*62.15*	*74.30*	*96.85*	*41.80*
Grade *60*-36 Sub.	*69.20*	*81.15*	*124.70*	*69.65*
Deduct if both sides ruled and printed alike	*12.45*	*12.30*	*12.10*	*.50*
Deduct if ruled and printed, 1 side only	*14.40*	*15.65*	*17.70*	*3.05*

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Special ruled and printed forms.

12x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *78.95*	$ *94.55*	$ *121.75*	$ *50.50*
Grade *30*-32 Sub.	*80.00*	*96.65*	*126.00*	*54.90*
Grade *60*-36 Sub.	*88.70*	*114.05*	*160.85*	*89.65*
Deduct if both sides ruled and printed alike	*19.25*	*19.10*	*18.90*	*.50*
Deduct if ruled and printed, 1 side only	*20.10*	*21.20*	*24.00*	*4.75*

14x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *51.35*	$ *61.00*	$ *79.00*	$ *33.35*
Grade *30*-32 Sub.	*52.00*	*62.40*	*81.90*	*36.35*
Grade *60*-36 Sub.	*58.10*	*74.35*	*105.95*	*60.05*
Deduct if both sides ruled and printed alike	*10.65*	*10.50*	*10.30*	*.25*
Deduct if ruled and printed, 1 side only	*12.20*	*13.40*	*15.40*	*2.80*

14x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *64.55*	$ *76.80*	$ *99.95*	$ *44.76*
Grade *30*-32 Sub.	*65.70*	*78.80*	*104.05*	*48.85*
Grade *60*-36 Sub.	*73.75*	*95.05*	*136.30*	*81.10*
Deduct if both sides ruled and printed alike	*15.00*	*14.90*	*14.70*	*.50*
Deduct if ruled and printed, 1 side only	*16.20*	*17.75*	*20.00*	*3.75*

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14x34 TOTAL OF 20 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *93.10*	$*109.90*	$*141.95*	$ *63.35*
Grade *30*-32 Sub.	*94.60*	*113.85*	*147.85*	*68.15*
Grade *60*-36 Sub.	*106.60*	*136.55*	*195.30*	*115.70*
Deduct if both sides ruled and printed alike	*22.25*	*22.10*	*21.90*	*.50*
Deduct if ruled and printed, 1 side only	*23.75*	*25.25*	*28.00*	*4.80*

Special ruled and printed forms.

17x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *42.70*	$ *50.40*	$ *66.05*	$ *29.10*
Grade *30*-32 Sub.	*43.40*	*51.90*	*68.40*	*31.45*
Grade *60*-36 Sub.	*48.00*	*61.20*	*87.10*	*50.15*
Deduct if both sides ruled and printed alike	*8.90*	*8.80*	*8.65*	*.25*
Deduct if ruled and printed, 1 side only	*10.35*	*11.35*	*13.15*	*2.75*

17x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *48.25*	$ *57.80*	$ *75.40*	$ *33.05*
Grade *30*-32 Sub.	*48.90*	*59.20*	*78.30*	*36.05*
Grade *60*-36 Sub.	*54.90*	*70.70*	*102.35*	*59.75*
Deduct if both sides ruled and printed alike	*10.40*	*10.25*	*10.05*	*.25*
Deduct if ruled and printed, 1 side only	11.40	12.40	14.40	2.80

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Special ruled and printed forms.

17x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub. .....$	*68.25*	$ *81.50*	$*106.85*	$ *49.15*
Grade *30*-32 Sub.	*69.40*	*83.90*	*111.55*	*53.80*
Grade *60*-36 Sub.	*78.80*	*102.60*	*149.00*	*91.25*
Deduct if both sides ruled and printed alike	*15.70*	*15.60*	*15.45*	*.50*
Deduct if ruled and printed, 1 side only	17.70	19.20	21.50	3.75

17x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub. .....$	*85.00*	$*103.20*	$*135.70*	$ *61.80*
Grade *30*-32 Sub.	*86.35*	*106.15*	*141.60*	*67.60*
Grade *60*-36 Sub.	*98.35*	*129.85*	*189.05*	*115.15*
Deduct if both sides ruled and printed alike	20.25	20.10	19.90	.50
Deduct if ruled and printed, 1 side only	21.75	23.25	26.00	4.80

17x46 TOTAL OF 28 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub. .....$	*134.90*	$*168.35*	$*224.50*	$ *99.70*
Grade *30*-32 Sub.	*137.20*	*173.20*	*231.40*	*109.20*
Grade *60*-36 Sub.	*157.30*	*211.85*	*309.50*	*186.70*
Deduct if both sides ruled and printed alike	*33.95*	*33.60*	*33.20*	*.75*
Deduct if ruled and printed, 1 side only	*33.81*	*35.31*	*39.50*	*7.85*

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18x11½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

Special ruled and printed forms.

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *47.05*	$ *56.40*	$ *73.25*	$ *31.20*
Grade *30*-32 Sub.	*47.75*	*57.70*	*75.85*	*33.80*
Grade *60*-36 Sub.	*56.65*	*68.10*	*96.60*	*54.50*
Deduct if both sides ruled and printed alike	*9.65*	*9.50*	*9.20*	*.25*
Deduct if ruled and printed, 1 side only	*11.65*	*12.90*	*14.40*	*2.80*

18x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *78.70*	$ *95.70*	$*125.75*	$ *56.40*
Grade *30*-32 Sub.	*79.90*	*98.30*	*131.05*	*61.60*
Grade *60*-36 Sub.	*90.35*	*119.05*	*172.55*	*103.20*
Deduct if both sides ruled and printed alike	*19.75*	*19.60*	*19.40*	*.50*
Deduct if ruled and printed, 1 side only	*20.75*	*22.25*	*25.00*	*4.80*

18x46 TOTAL OF 32 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$*141.90*	$*174.25*	$*230.50*	$*106.60*
Grade *30*-32 Sub.	*144.55*	*179.40*	*241.55*	*117.25*
Grade *60*-36 Sub.	*165.00*	*220.55*	*324.35*	*200.45*
Deduct if both sides ruled and printed alike	*39.75*	*39.60*	*39.65*	*1.00*
Deduct if ruled and printed, 1 side only	*38.90*	*40.65*	*46.15*	*8.95*

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Special ruled and printed forms.

19x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *49.15*	$ *58.90*	$ *78.80*	$ *33.25*
Grade *30*-32 Sub.	*49.85*	*60.30*	*79.60*	*36.05*
Grade *60*-36 Sub.	*55.60*	*71.80*	*102.60*	*59.00*
Deduct if both sides ruled and printed alike	*9.90*	*9.75*	*9.45*	*.25*
Deduct if ruled and printed, 1 side only	*12.15*	*13.40*	*14.90*	*2.80*

19x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *70* cents each

	250	500	1000	Addl. 1000
Grade *30*-28 Sub.	$ *83.00*	$*100.90*	$*132.85*	$ *60.10*
Grade *30*-32 Sub.	*84.40*	*103.75*	*138.50*	*65.75*
Grade *60*-36 Sub.	*95.90*	*126.65*	*184.30*	*111.35*
Deduct if both sides ruled and printed alike	*20.00*	*19.85*	*19.65*	*.50*
Deduct if ruled and printed, 1 side only	*21.25*	*22.75*	*25.50*	*4.80*

20x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 cents each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.	$ *57.35*	$ *68.65*	$ *90.10*	$ *40.00*
Grade 30-32 Sub.	*58.20*	*70.40*	*93.60*	*44.45*
Grade 60-36 Sub.	*65.05*	*84.50*	*121.70*	*72.55*
Deduct if both sides ruled and printed alike	*13.45*	*13.35*	*13.20*	*.25*
Deduct if ruled and printed, 1 side only	*13.65*	*14.15*	*16.40*	*3.80*

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20x28 TOTAL OF 18 COLUMNS, BOTH SIDES
Extra Unit Columns 70 cents each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.	*$ 95.70*	*$114.25*	*$150.55*	*$ 69.85*
Grade 30-32 Sub.	*97.45*	*117.80*	*157.85*	*76.80*
Grade 60-36 Sub.	*111.55*	*145.85*	*213.70*	*132.95*
Deduct if both sides ruled and printed alike	*21.75*	*21.60*	*21.40*	*.50*
Deduct if ruled and printed, 1 side only	*22.75*	*24.25*	*27.00*	*4.80*

"Section 13. **Bound Books.**

Bound books, ruled, printed and paged on 36 Sub. No. 1, 100% rag ledger. Patent back, flat opening. Complete, including lettering back or side title. **Bound books.**

The first dimension listed is the binding margin. When greater or intermediate lengths of sheets are furnished with a binding size as listed, the difference between two given lengths is added or subtracted in the correct proportion to either of the given lengths to cover the length of sheet actually furnished. When an intermediate binding size is furnished, the next larger binding size shall be used.

SIZE 10½x16—7 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 63.50*	*$ 68.20*	*$ 73.10*	*$ 75.35*	*$ 80.30*
¾ Russia, Printed Page	*70.90*	*75.50*	*80.50*	*82.80*	*87.70*
Full Russia, Printed Head	*73.30*	*77.95*	*82.90*	*85.85*	*90.20*
Full Russia, Printed Page	*80.75*	*85.30*	*90.35*	*93.30*	*97.55*

Add for folio printed head *$8.60*
Add for folio printed page *$15.95*
Add for each printed guide line *$1.50*
Add for index ruled $6.80
Add for index through book $2.60

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Bound books.

SIZE 11½x18—8 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 69.20*	*$ 73.85*	*$ 78.95*	*$ 81.65*	*$ 86.30*
¾ Russia, Printed Page	*78.20*	*82.85*	*87.90*	*90.65*	*95.30*
Full Russia, Printed Head	*78.60*	*83.20*	*88.15*	*91.10*	*95.35*
Full Russia, Printed Page	*87.60*	*92.20*	*97.10*	*100.10*	*103.30*

Add for folio printed head *$9.00*
Add for folio printed page *$17.95*
Add for each printed guide line *$1.50*
Add for index ruled $6.80
Add for index through book $2.75

SIZE 12x19 *OR 14x17*—8 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 71.05*	*$ 75.85*	*$ 80.90*	*$ 83.65*	*$ 88.30*
¾ Russia, Printed Page	*81.20*	*86.00*	*91.00*	*93.80*	*98.45*
Full Russia, Printed Head	*80.60*	*85.45*	*90.50*	*93.55*	*97.90*
Full Russia, Printed Page	*90.70*	*95.50*	*100.60*	*103.70*	*108.00*

Add for folio printed head *$9.35*
Add for folio printed page *$19.50*
Add for each printed guide line *$1.50*
Add for index ruled $6.80
Add for index through book $2.75

SIZE 14x8½—5 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 58.20*	*$ 62.75*	*$ 68.05*	*$ 70.55*	*$ 75.10*
¾ Russia, Printed Page	*68.75*	*73.25*	*78.55*	*81.10*	*85.50*
Full Russia, Printed Head	*65.80*	*70.25*	*75.50*	*78.25*	*82.45*
Full Russia, Printed Page	*78.40*	*80.80*	*86.05*	*88.80*	*93.50*

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Add for folio printed head *$6.60*
Add for folio printed page *$17.50*
Add for each printed guide line *$1.50*
Add for index ruled $6.80
Add for index through book $2.60

Bound books.

SIZE 14x20—8 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 74.35*	*$ 79.30*	*$ 85.10*	*$ 87.60*	*$ 93.00*
¾ Russia, Printed Page	*86.05*	*91.00*	*96.80*	*99.30*	*104.70*
Full Russia, Printed Head	*85.50*	*90.35*	*95.95*	*99.05*	*103.55*
Full Russia, Printed Page	*97.10*	*102.00*	*107.65*	*110.65*	*115.30*

Add for folio printed head *$9.70*
Add for folio printed page *$21.50*
Add for each printed guide line *$1.50*
Add for index ruled $7.20
Add for index through book $2.75

SIZE 16x10½—5 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 64.70*	*$ 70.70*	*$ 77.45*	*$ 80.40*	*$ 83.20*
¾ Russia, Printed Page	*76.45*	*82.45*	*89.20*	*92.20*	*98.15*
Full Russia, Printed Head	*74.40*	*80.35*	*87.05*	*91.10*	*95.95*
Full Russia, Printed Page	*86.10*	*92.05*	*98.75*	*102.85*	*107.65*

Add for folio printed head *$8.15*
Add for folio printed page *$19.90*
Add for each printed guide line *$1.50*
Add for index ruled $7.20
Add for index through book $2.75

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Bound books.

SIZE 16x21—8 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 87.00*	*$ 94.80*	*$103.30*	*$107.30*	*$115.80*
¾ Russia, Printed Page	*101.05*	*108.85*	*117.35*	*121.30*	*129.85*
Full Russia, Printed Head	*100.45*	*108.20*	*116.70*	*122.90*	*129.00*
Full Russia, Printed Page	*114.50*	*122.20*	*130.70*	*136.90*	*143.05*

Add for folio printed head *$10.15*
Add for folio printed page *$24.20*
Add for each printed guide line *$1.50*
Add for index ruled $7.55
Add for index through book $2.90

SIZE 17x14 *OR 19x12—6* UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 70.75*	*$ 76.80*	*$ 83.70*	*$ 86.75*	*$ 93.60*
¾ Russia, Printed Page	*84.80*	*90.85*	*97.75*	*100.80*	*107.65*
Full Russia, Printed Head	*80.15*	*86.25*	*93.10*	*98.15*	*103.00*
Full Russia, Printed Page	*94.20*	*95.25*	*107.15*	*112.20*	*117.05*

Add for folio printed head *$9.00*
Add for folio printed page *$23.15*
Add for each printed guide line *$1.50*
Add for index ruled $7.20
Add for index through book $2.75

SIZE 17x28—*10* UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$104.15*	*$112.55*	*$121.75*	*$126.00*	*$132.10*
¾ Russia, Printed Page	*121.30*	*129.70*	*138.90*	*143.15*	*152.30*
Full Russia, Printed Head	*118.85*	*127.10*	*136.50*	*143.20*	*149.95*
Full Russia, Printed Page	*136.00*	*144.50*	*153.65*	*160.40*	*167.10*

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Add for folio printed head *$10.90*
Add for folio printed page *$28.10*
Add for each printed guide line *$1.50*
Add for index ruled $7.55
Add for index through book $3.10

SIZE 18x11½—5 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 cents each

Bound books.

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 69.35*	*$ 75.40*	*$ 82.30*	*$ 84.95*	*$ 96.10*
¾ Russia, Printed Page	*83.00*	*89.10*	*95.70*	*98.60*	*105.80*
Full Russia, Printed Head	*78.55*	*84.55*	*91.25*	*96.10*	*100.90*
Full Russia, Printed Page	*92.25*	*98.20*	*104.90*	*109.75*	*114.60*

Add for folio printed head *$8.60*
Add for folio printed page *$22.20*
Add for each printed guide line *$1.50*
Add for index ruled $7.20
Add for index through book $2.60

SIZE 18x23—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 94.20*	*$102.20*	*$110.95*	*$114.90*	*$123.60*
¾ Russia, Printed Page	*110.75*	*118.75*	*127.45*	*131.40*	*140.15*
Full Russia, Printed Head	*109.10*	*117.00*	*125.75*	*132.05*	*138.30*
Full Russia, Printed Page	*126.60*	*133.55*	*142.25*	*148.55*	*154.80*

Add for folio printed head *$10.55*
Add for folio printed page *$26.90*
Add for each printed guide line *$1.50*
Add for index ruled $7.55
Add for index through book $3.00

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Bound books.

SIZE 19x24—8 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 97.90	$105.95	$114.80	$118.75	$127.40
¾ Russia, Printed Page	115.40	123.50	132.30	136.75	125.00
Full Russia, Printed Head	112.70	120.85	131.20	136.60	142.45
Full Russia, Printed Page	130.25	138.35	147.20	153.60	159.95

Add for folio printed head $11.30
Add for folio printed page $28.85
Add for each printed guide line $1.50
Add for index ruled $7.55
Add for index through book $3.10

SIZE 21x16—7 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	*300*	*400*	*500*	*560*	*640*
¾ Russia, Printed Head	$ 83.40	$ 91.00	$ 99.50	$103.25	$111.70
¾ Russia, Printed Page	100.15	107.80	116.20	120.05	128.45
Full Russia, Printed Head	96.80	104.30	112.50	118.55	124.55
Full Russia, Printed Page	113.50	121.10	129.35	135.35	141.35

Add for folio printed head $9.70
Add for folio printed page $26.50
Add for each printed guide line $1.50
Add for index ruled $8.00
Add for index through book $3.10

SIZE 28x17—7 UNIT COLUMNS TO PAGE

Extra Unit Columns 70 cents each

No. Pages	*300*	*400*	*500*	*560*	*640*
¾ Russia, Printed Head	$ 95.40	$103.30	$112.50	$115.60	$124.20
¾ Russia, Printed Page	118.80	126.70	135.90	139.00	147.60
Full Russia, Printed Head	110.15	118.20	127.30	130.90	139.85
Full Russia, Printed Page	133.55	141.60	150.70	154.30	163.25

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Add for folio printed head $10.15
Add for folio printed page $33.60
Add for each printed guide line $1.50
Add for index ruled $8.35
Add for index through book $3.10

"Section 14. **Size 18x11½ Record Books Only.**

Bound books.

Loose Leaf Style With Binder		
No. Pages	560	640
Marginal record ruled stock form grade *60*, 36 Sub. Full Russia stock ruled not printed	*$ 55.80*	*$ 59.30*
Full Russia, Printed Head	*62.40*	*66.10*
Full Russia, Printed Page	*79.80*	*79.20*
Add for folio printed head *$3.75*		
Add for folio printed page *$22.20*		
Add for A-Z index *$6.25*		
Loose leaf record binders only, full Russia, letter with back title 7 or 8 quire capacity, each		*$ 39.95*

"Section 15. **County and School Warrants.**

County and school warrants.

	500	1000	Addl. 1000
Warrants with stub, size 4x14" on Grade *40* bond or safety paper, single *numbered, bound in cardboard covers, or punched for binder*	*$ 26.25*	*$ 31.75*	*$ 10.50*
School warrants in triplicate, size 4x9¾, Grade *40*, 16 Sub. on original and Grade *20*, 16 Sub. duplicate, triplicate. Duplicate and triplicate printed in black and red ink; original black only. Original and duplicate perforated. Bound 50 sets to book	*$ 21.50*	*$ 28.90*	*$ 13.50*
County warrants in duplicate or fold-over style, three or more on a sheet, punched for loose leaf binder, perforated, numbered, gathered, Grade *40* bond or safety paper	*$ 29.50*	*$ 44.25*	*$ 27.50*

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"Section 16. **Election Supplies and Ballots.**

Election supplies and ballots.

Tally books for primary or general election, each		$ 1.25
Tally books for judicial candidates, primary elections, each		.50
Poll books primary or general election, each		1.25
Envelopes for poll books, 10x15 inches, each		*.35*
Envelopes for tally sheets, 10x15 inches, each		*.35*
Envelopes for voted ballots, 15x18 inches, each		*.60*
Envelopes for unused ballots, 15x18 inches, each		*.60*
Envelopes for return of election books, 17x22 inches, each		*.60*
Envelopes for precinct registers, 17x22 inches, each		*.60*
Envelopes for election returns, 9½x4⅛ inches, each		*.15*
Envelopes for absent voter send out or return, 6½x9½ or 6x9 inches	200	*14.40*
	Additional 100	*4.00*
Envelopes for absent voter return ballots to judges of election, 10x15 inches, each		*.35*
Absent voter record sheets, size 11x21, fold-over	100	*9.50*
	Additional 100	*7.50*
Official seals 6½x5 inches, printed on gummed paper	250	*4.50*
	500	*6.50*
Certificates of election, with stub, size 11x17, check bound	50	*9.00*
	100	*13.75*

	1000	Addl. 1000
Precinct register sheets, 8½x14, special ruled and printed both sides, punched, grade *30*, 20 sub. bond paper	*$45.00*	*$16.75*
Precinct register sheets, 14x17, special ruled and printed, both sides, punched, grade *30*, 20 sub. bond paper	*63.25*	*19.75*
Covers for precinct register, 8½x14, 125 tagboard, front and back cover printed and punched, per 30 sets, *or less*		*8.50*
Each additional 10 sets		*1.50*
Covers for precinct register, 14x17, 125 tagboard, front and back cover printed and punched, per 30 sets, *or less*		*10.50*
Each additional 10 sets		*1.90*

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Election supplies and ballots.

Instructions to voters, 14x22 on 100 lb. tagboard 100	*22.50*
Additional 100	*6.00*

List of electors *8¢* per name. This price includes printing up to 100 copies of each precinct list on grade *30*, 20 lb. bond paper.

BALLOTS

Ballots.

	1000	Addl. 1000
Ballots, primary election, complete, including numbering, perforating, assembling, rotating and stitching per party	*$54.00*	*$39.50*
Ballots for judicial candidates, complete, including numbering, perforating and rotating	*18.00*	*10.75*

	1000	Addl. 1000
Ballots, initiative and referendum, constitutional amendment, complete, including perforating	*$12.50*	*$ 7.20*
Ballots, general election, complete, including numbering, perforating *and rotating*	*78.00*	*39.50*
Where constitutional amendments, initiative or referendum measures appear on general election ballot, *add*.....	*9.50*	*3.00*

Stock forms without county name.

"Section 17. **Stock Forms Without County Name.**

Budget form CB-2 — per 100	*$ 6.50*
Budget form CB-3 — per 100	*6.50*
Budget form CB-4 — per 100	*6.70*
Budget form CB-5 — per 100	*7.75*
Budget form CB-6 — per 100	*7.75*
Budget form CB-7 — per 100	*18.00*
Justice docket, size 320 page, each	*$24.50*
Report of justice fees received, size 14x17, ruled and printed one side, per 100	*7.50*
Teachers' registers, *six week, each*	*$ .75*
District school budget applications, form 1.....100	*5.00*
Additional 100	*4.00*

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Stock forms without county name.

High school budget application sheets	100	6.00
Additional	100	5.00
District school budget record sheets, ruled and printed one side, size 13¾x21¾	100	6.00
Additional	100	5.00
School census reports	per 250	6.00
	per 500	10.00
Teachers' contracts	per 50	4.00
	per 100	5.50
Trustees' annual reports	per 50	6.00
	per 100	10.00
Teachers' reports	per 250	7.00
	per 500	10.75
Superintendent's or principal's reports	per 100	5.00
Additional	100	4.50

"Substance" defined.

"Section 18. That for the purpose of defining the meaning of the word 'substance' used in connection with paper stock mentioned herein, it is understood that all substance weights are to be computed on the basic size 17x22 inches; conforming to the uniform scale of sizes and weights as used by paper manufacturers. The words 'grade number' relate to price per pound of paper in ream lots."

Bids.

"Section 19. Bids may be made either on the entire act, or bids may be made under each section. If each section is bid upon separately the section must be bid upon in its entirety and not upon individual items in such section.

Prices on books and printing not covered herein.

All other blank books and printing not covered herein shall be furnished at prices not in excess of the prices for such work as set forth in the current Franklin printing catalog list."

Contract to newspaper most suitable.

"Section 20. The contract shall be let to the newspaper that in the judgment of the county commissioners shall be most suitable for performing said work, provided, that the county commissioners, shall require of any contractor to

Bond by contractor.

do such county printing, a good and sufficient undertaking in such sum as said commissioners may deem advisable, signed by at least two sufficient sureties, conditioned to the effect that said contractor will faithfully perform all of the conditions of said contract in accordance with this

Unsatisfactory work.

act and the terms of such contract; provided, that nothing in this act shall be construed so as to compel the acceptance of unsatisfactory work; also provided, however, that this

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requirement shall not affect any contract made prior to the passage of this act. Such contract for printing shall extend for a period of not more than two years. All newspapers which may receive any contract for printing under this act and which may not be able to execute any part of such contract shall be required to sublet such contract or portion of contract to some newspaper or printing establishment within the state, which shall do the work under the contract so sublet entirely within the state with Montana labor."

Prior contracts not affected.

Term of contract.

Subletting.

"Section 21. All prices set forth herein include paper stock specified, all printing, and work complete and delivered at the courthouse."

Prices include what.

"Section 22. None of the provisions of this act shall apply to any printing or advertising that may be required in connection with the holding of county fairs and expositions."

Act not applicable to printing for county fairs.

"Section 23. That any violation of this act shall be deemed a misdemeanor and punished as such."

Penalty.

Section 2. That Chapter 250 of the laws of the thirtieth legislative assembly of the State of Montana, 1947, and all other acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. That this act shall be in full force and effect from, and after, the date of its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 128

An Act Relating to Employees of the Supreme Court and the Board of Trustees of the Law Library of the State of Montana and Their Compensation, Amending Sections 368, 377 and 1569, Revised Codes of Montana, 1935, as Amended by Chapter 38 of the Laws of 1939, Providing for Appointment of Employees and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 368, Revised Codes of Montana, 1935, as amended by Chapter 38, of the laws of 1939, be, and the same is hereby amended to read as follows:

Sec. 368 R. C. Mont. 1935, as amended, further amended.

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Salary of marshal of supreme court.

"Section 368. The annual salary of the marshal of the supreme court for all services now required of him shall be fixed at that figure the supreme court shall deem reasonable; *provided, however, that said salary shall not exceed thirty-six hundred dollars ($3,600.00) per annum.* When serving process of court beyond the place where the court is held, in cases in which the state, a county, or any subdivision thereof, or any officer when prosecuting or defending an action on behalf of the state, county, or subdivision thereof, is not a party, the marshal is entitled to receive the same mileage as provided by law for sheriffs in performing similar services, to be taxed as costs, as in other cases; in cases in which the state, a county, or any subdivision thereof, or any officer when prosecuting or defending an action on behalf of the state, a county, or any subdivision thereof, is the real party in interest, he shall be entitled to receive his actual expenses incurred in serving such process, to be paid from the fund appropriated for expenses of the supreme court not otherwise provided for."

Mileage.

Section 2. That Section 377, Revised Codes of Montana, 1935, as amended by Chapter 38 of the laws of 1939, be, and the same is hereby amended to read as follows:

Court attendant.

"Section 377. The supreme court must appoint a court attendant, who shall hold office at the pleasure of the court and who shall act as law clerk to the supreme court justices and perform any and other duties prescribed by the supreme court. Whenever the clerk of the supreme court is incapacitated or absent, the attendant of the supreme court is hereby authorized to perform all the functions and duties of said clerk. Salary for all the duties now required of the court attendant shall be fixed at that figure the supreme court shall deem reasonable; *provided, however, that said salary shall not exceed thirty-six hundred dollars ($3,600.00) per annum.*"

Salary.

Section 3. That Section 1569, Revised Codes of Montana, 1935, as amended by Chapter 38 of the laws of 1939, be, and the same is hereby amended to read as follows:

Assistant law librarian.

"Section 1569. To carry out the provisions of this act, the librarian of the law department of the state library is hereby authorized and empowered to employ an assistant who shall, in addition to the duties imposed by the pro-

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visions of this chapter, act as a law clerk for the justices of the supreme court and shall perform any and other duties prescribed by the supreme court. The salary *of the librarian and assistant librarian* shall be fixed at that figure the board of trustees of the state library shall deem reasonable*; provided, however, that the salary of the librarian shall not exceed thirty-six hundred dollars ($3,600.00) per annum, and the salary of the assistant librarian shall not exceed three thousand dollars ($3,000.00) per annum.*"

Salary of librarian and assistant.

Section 4. *The supreme court may appoint not to exceed three (3) court stenographers, who shall hold office at the pleasure of the court, and who shall act as stenographers to the supreme court and the several members of said court and perform any other duties prescribed by the supreme court. The salary for all the duties required of said stenographers shall be fixed at that figure the supreme court shall deem reasonable; provided, however, that the salary of said stenographers shall not exceed three thousand dollars ($3,000.00) each, per annum.*

Court stenographers.

Salary.

Section 5. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 129

An Act to Amend Section 3 of Chapter 80, Session Laws of Montana, 1937, Relating to Unfair Practice, Defining "Cost" and "Customary Cash Discounts" and to Amend Section 12A of Chaper 21, Session Laws of Montana, 1945, by Striking Therefrom the Word "Retail" Wherever the Same Appears Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 80, Session Laws of Montana, 1937, be amended to read as follows:

Sec. 3, Ch. 80 laws of 1937 amended.

Section 3. "It shall be unlawful for any person, partnership, firm, corporation, joint stock company, or other

Unlawful to sell at less than cost.

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association engaged in business within this state, to sell, offer for sale or advertise for sale any article or product, or service or output of a service trade, at less than the cost thereof to such vendor, or give, offer to give or advertise the intent to give away any article or product, or service or output of a service trade for the purpose of injuring competitors and destroying competition, and he or it shall also be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties set out in Section 11 of this act for any such act.

Penalties.

"Cost" defined.

"The term 'cost' as applied to production is hereby defined as including the cost of raw materials, labor and all overhead expenses of the producer, and as applied to distribution, 'cost' shall mean the invoice or replacement cost *within ninety days prior to the date of sale and the quantity last purchased,* whichever is lower, of the article or product, to the distributor and vendor, *less all trade discounts, except customary cash discounts,* plus the cost of doing business by said distributor and vendor.

"Customary cash discounts."

"The term 'customary cash discounts' means any allowance not exceeding two per cent, whether a part of a larger discount or not, made to the wholesale or retail vendor, where the wholesale or retail vendor pays for merchandise within a limited or specified time.

"Cost of doing business."

"The 'cost of doing business' or 'overhead expense' is defined as all costs of doing business incurred in the conduct of such business and must include, without limitation the following items of expense: labor (including salaries of executives and officers), rent, interest on borrowed capital, depreciation, selling cost, maintenance of equipment, delivery costs, credit losses, all types of licenses, taxes, insurance and advertising."

Sec. 12 A, Ch. 21 laws of 1945 amended.

Section 2. That Section *12A* of Chapter 21 of the Session Laws of Montana, 1945, be, *and the same is hereby* amended to read as follows:

Cost survey to be established, when.

"Section 12A. The Montana trade commission is hereby empowered and directed whenever application therefor shall have been made by ten or more persons, firms or corporations within any particular trade or business to establish the cost survey provided for in Section 5 of this chapter. When petition for such cost survey has been so presented to the commission, the commission shall, as soon

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as possible, fix a time for a public hearing upon the question of whether such cost survey should be established. Such hearing shall be held at the office of said commission and upon such notice as the commission may by rule require; provided, however, that notice of such hearing shall be published for at least two successive weeks in such daily newspaper or newspapers as the commission may designate as most commonly circulated in the counties to be affected by such cost survey. Said notice shall further state the locality or area in respect to which said cost survey is proposed to be established and the particular trade or business to be affected thereby.

Hearing.

Notice.

"At the time fixed in said notice any person, firm or corporation shall be entitled to appear and be heard by the commission upon all questions to be determined by it as provided in this section. If the commission shall determine that a cost survey shall be established, it shall at the same hearing proceed to classify and define the particular trade or business, or parts thereof, to be affected thereby, determine and delimit the particular area within which such trade or business shall be so affected, and find and determine the probable 'cost of doing business' or 'overhead expense', stated in percentage or percentages of invoice or replacement cost which would probably be incurred by the most efficient person, firm or corporation within such trade or business within such area.

Duty of commission, in case cost survey is to be established.

"Provided, however, that where the commission shall determine that the probable 'cost of doing business' or 'overhead expense', stated in percentage or percentages of invoice or replacement cost which would probably be incurred by the most efficient person, firm or corporation in such trade or business is the same for the entire state, then and in that event the commission may, upon proper notice having been given as hereinbefore provided, create one trade area which shall embrace the entire state.

State-wide trade area may be created, when.

"The percentage or percentages so fixed and determined shall be presumed to be the actual 'cost of doing business' and 'overhead expense' of any person, firm or corporation in such trade or business and within the area, affected by such cost survey."

Percentages fixed, presumption incident to.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 130

An Act to Provide for *Changing Boundaries of High School Districts; Providing for Selection of Sites for New High School Buildings;* Providing for Elections to Vote Upon Special Tax Levies for High School Purposes; Providing That Such Special Taxes Shall be Levied Upon All Property Within High School Districts; Providing That When a Special Tax for High School Purposes Has Been Voted in a High School District, No Additional Special High School Tax May be Submitted in the Same Year to a Vote in the Local School District Wherein the High School is Situated; and Repealing All Acts and Parts of Acts in Conflict With This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

High school building districts, alteration of boundaries of.

Section 1. *In any county which has been divided into high school building districts, at the request of any high school board of trustees, the commission, provided for in Chapter 275, laws of 1947, may, in accord with the procedure provided in said chapter, alter the boundaries of said districts or re-divide the county into a different number of high school districts, provided that such alteration or redivision may not be done within three years from the original division or the last alteration of boundaries and last re-division.*

Building site to be left to vote of electors.

Section 2. *Whenever, due to the condition of the high school building or buildings or to the location of the high school in the high school district, or to any other factors, it is deemed advisable by the board of trustees of any high school district to construct a new building or buildings, the site for such new building shall be left to a vote of the qualified electors of the entire high school building district. Said election shall be held at the same time and in the same manner as the election to vote upon the question of issuing bonds for the construction of such new building.*

Section *3. Whenever the board of trustees of the local school district within which the high school is situated*

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Special levy for high school purposes, procedure for.

shall deem it necessary to raise money for high school purposes in addition to its revenues from county and state apportionments, a meeting of the board of trustees of the high school district together with the chairmen of the boards of trustees of all common school districts included within the high school district shall be called and held to consider the calling of an election to vote upon the question of approving a special levy for high school purposes. Provided, that any other member designated by the board of trustees of any such common school district may represent such district in place of the chairman thereof. If a majority of the board of trustees of the high school district and the designated representatives of said common school districts attending such. If a majority of the board of trustees of the high school district attending such meeting shall determine that the proposed expenditures are necessary for the proper maintenance and operation of such high school, said trustees of the high school district shall ascertain and determine the number of mills required to be raised by special levy, and shall call an election for the purpose of submitting the question of making such additional levy to the qualified electors who are taxpayers upon property within the high school district, and if approved by a majority vote of all of the taxpayers voting at such election, the result of said election shall be certified to the board of county commissioners, and the levy approved by such majority vote shall be made upon all property within said high school district.

(Note: Printed exactly as on enrolled bill.)

Election.

Notice of election.

Section *4.* Notice of such election shall be given and said election shall be held and conducted in all respects in the manner provided by Sections 1220, 1221, 1222, and 1223, of the Revised Codes of Montana of 1935. Said election shall be conducted by judges and clerks of election appointed by the high school board of trustees from the residents of each respective common school district within the high school district, and polling places for such election shall be provided in each of said common school districts.

Judges and clerks.

One only additional levy may be voted in one year.

Section *5.* In the event such additional levy is approved by a majority vote of all of the taxpayers voting at said election, no other special tax for the operation and maintenance of the high school may in the same year be sub-

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mitted to a vote of the taxpayers within the local school district wherein such high school is situated.

Repealing clause.

Section *6*. All acts and parts of acts in conflict herewith are hereby repealed, but this section shall not be construed to repeal Chapter 275, Session Laws of Montana of 1947.

Effective date.

Section *7*. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 131

An Act Relating to Annual Vacation Leave for State, County and City Employees, Providing for Computation, Accumulation and Compensation for Such Vacation Leave, Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Vacation leave granted to employees of state, counties and cities.

Section 1. Each employee of the state, or any county or city thereof, is entitled to and shall be granted annual vacation leave with full pay at the rate of one and one-quarter (1¼) working days for each month of service, such service to be computed from the date of employment.

Accumulation of leave.

Section 2. Such annual vacation leave may be accumulated to a total not to exceed thirty working days.

Cash compensation for unused leave.

Section 3. An employee, who is separated from the service of the state, or any county or city thereof, for reason not reflecting discredit on himself, or any employee transferred to or employed in another division or department of the state, or any county or city thereof, shall be entitled upon the date of such separation from, transfer to or acceptance of new employment within the state, county, or city service, to cash compensation for unused vacation leave.

Section 4. Vacation leave shall not accrue during a leave of absence without pay, the duration of which exceeds fifteen (15) days.

Absence because of illness.

Section 5. Absence from employment by reason of illness shall not be chargeable against annual vacation leave.

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Section 6. The dates when employees' annual vacation leaves shall be granted shall be determined by agreement between each employee and his employing agency, with regard to the best interest of the state, any county or city thereof, as well as the best interests of each employee.

Dates for leave determined by agreement.

Section 7. The term "employee", as used herein, does not refer to or include elected state, county, or city officials, *or school teachers.*

Limitation of the term "employee."

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 132

An Act to Authorize the Industrial Accident Board to Accept Whatever Cash Is On Hand to Apply On the Payment of Certain Special Improvement District Bonds Issued In Certain Special Improvement Districts In the Following Cities In Montana, To-wit: Billings, Havre, Eureka, Whitefish, Grass Range, Livingston, and Laurel; and to Charge Off as Worthless and, in the Most Part Uncollectible, the Remainder of Said Bonds Now Held By the Industrial Accident Board for Its Investment Account; and Repeal All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The legislature hereby declares and determines that the following described special improvement district bonds in the following amounts, now held by the industrial accident board of the State of Montana in its investment account are in the most part uncollectible and worthless. After applying thereon the small amounts of cash available from said improvement districts the said industrial accident board is hereby authorized and empowered to charge off as worthless and uncollectible all the remainder of said bonds of which the following is the designation of said special improvement districts, and the

Industrial accident board authorized to charge off unpaid balance of certain special improvement district bonds.

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amount of the bonds therein now held by the industrial accident board, to-wit:

Special Improvement Districts	Amount Held By Industrial Accident Board
Billings, No. 190	$ 4,800.00
Havre, No. 89	9,640.75
Eureka, No. 1	4,800.00
Whitefish, No. 54	11,677.18
Grass Range, No. 7	8,400.00
Livingston, No. 87	4,000.00
Livingston, No. 88	485.75
Livingston, No. 89	5,000.00
Laurel, No. 50	3,800.00
Laurel, No. 51	4,237.50
Laurel, No. 19	265.76
Laurel, No. 20	235.50
Laurel, No. 22	158.89
Laurel, No. 24	270.99
Laurel, No. 25	45.80
Laurel, No. 34	2,588.92
Laurel, No. 37	713.15
Laurel, No. 38	161.68
Laurel, No. 42	339.55
Laurel, No. 44	275.00
Laurel, No. 42	680.00

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect immediately upon its passage and approval.

Approved March 1, 1949.

CHAPTER 133

An Act to Amend Section 8896, Revised Codes of Montana, 1935, Relating to the Manner of Making a List of Persons to Serve as Trial Jurors; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 8896, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 8896 R. C. Mont. 1935 amended.

"Section 8896. **Jury Lists, By Whom and When to Be Made.** The chairman of the county commissioners, *or in his absence, any member of the board of county commissioners,* the county treasurer, and the county assessor, *or any two of such officers,* of each county must meet at the county seat of each county at the office of the county clerk on the second Monday of January of each year, for the purpose of making a list of persons to serve as trial jurors for the ensuing year. If they fail to meet on the day specified in this section, they must meet as soon thereafter as practicable. The first meeting of such officers for the purpose of making such list is within ten days after this code takes effect.

Jury lists, by whom and when made.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 134

An Act to Perpetuate the Historical Society of the State of Montana as a Public Department of the State, to Establish It Upon a More Adequate Foundation, Provide for Its Administration By a Board of Trustees and Prescribing the Method of Their Selection and Their Tenure and Providing for Their Powers and Duties and to Enlarge Their Functions; Recognizing the Interest of Citizens In the Purposes and Activities of the Society By Establishing Classes of Membership Therein and Providing for Participation By Members In the Affairs of the Society; Identifying the Historical and Miscellaneous Library of the State of Montana; Providing That Such Society Shall Have the Custody and Administration of the Historical and Miscellaneous Library and That the Same Shall Be the Property of the State In the Custody and Under the Control of the Society for the Benefit of the State and Its Citizens; Authorizing the Appointment of a Chief Librarian and Assist-

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ants and Fixing Their Compensation; Authorizing the Renewal of the Preparation and the Regular Publication of Historical Notes, Papers, Narratives and Writings Under the Title Formerly Used By the Society or Other Title As May Be Determined By the Board of Trustees, and Authorizing the Receipt of Subscriptions for Such Publications for Members of the Public; Authorizing the Acquisition of Writings, Military Histories, Including Histories of Military Organizations of This State When In Federal Service, Manuscripts and Printed Matter, Public and Private, and the Collection of Fossils, Specimens of Ores and Minerals, Paintings, Statuary, Military Relics, Sculpture, Antiques and Objects of Art and to Provide Suitable Quarters for the Society, the Library and Other Properties In Its Custody In the Capitol Building Until the Completion of the Montana Veterans and Pioneers' Memorial Building, and Thereafter In Said Building; Authorizing the Society to Accept Gifts, Devises and Bequests As Trustee of the State for the Benefit and Advantage of the Society and in Realization of Its Purposes, and for Related Purposes, and to Repeal Sections 1547 Through 1569, Revised Codes of Montana, 1935; and Chapter 38, Laws of Montana, 1939; Chapter 156, Laws of Montana, 1939; Chapter 112, Laws of Montana, 1943; and Chapter 172, Laws of Montana, 1943, and All Acts and Parts of Acts In Conflict Herewith.

Title of act.

Be it enacted by the Legislative Assembly of the State of Montana:

The historical society of Montana made a public department of state — purposes of specified.

Section 1. The Historical Society of Montana, originally organized under the provisions of an act of the legislative assembly of the Territory of Montana, entitled an "act to incorporate the historical society of Montana", approved February 2, 1865, and thereafter made to become the historical society of the State of Montana by compliance with the terms, conditions and provisions of an act of the second regular session of the legislative assembly of the State of Montana, approved March 4, 1891, entitled an "act concerning the historical society of the State of Montana and making an appropriation therefor" shall be, and the same is hereby continued and perpetuated as the historical society of the State of Montana and as such shall be and constitute a public department of the State of Montana for the use, learning, culture and enjoyment

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of the citizens of the state and for the preservation of historical records and saving and protection of historical places, sites and monuments and the custody, maintenance and operation of the historical and miscellaneous library.

Historical and miscellaneous library established as independent and autonomous library.

Section 2. The historical and miscellaneous library, heretofore one of two separate departments of the state library of Montana, shall be, and the same is hereby established as an independent and autonomous library in the historical society of the State of Montana, a department of the state, and in the custody and under the control of the board of trustees of the society. The books, pamphlets, papers, maps, charts, manuscripts, writings, paintings, engravings, military relics, collections of fossils, minerals, furniture, fixtures and supplies heretofore in the historical and miscellaneous library of the state library of Montana, shall be under the jurisdiction of the historical society of the State of Montana and shall be administered in accordance with the provisions of this act, independent of any other library owned, maintained or operated by the State of Montana.

Government and administration.

Section 3. The government and administration of the historical society of the State of Montana shall be vested in a board of fifteen (15) trustees, comprised of three (3) groups of five (5) members in each group, the first group of five (5) members to be appointed by the governor upon his selection; the second group of five (5) members to be appointed by the governor from nominations made to him for that purpose by the chancellor of the greater university, after consultation with the presidents and deans of the university and several colleges, comprising the greater university of Montana; and the third group of five (5) members shall be elected to the board of trustees by the votes of the first two groups above designated. The appointment or election of any trustee shall be made by and with the advice and consent of the senate at the first regular session of the legislative assembly next succeeding the appointment or election of any trustee. In the event of a tie vote at the election of any trustee in the third group, the governor shall cast the deciding vote between those who have received an equal number of votes. The term of office of all trustees except those first appointed or deemed to be elected under this act, shall be for five (5) years and until their successors

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are appointed or elected and qualify. In the event of a vacancy in any group, a successor shall be appointed or elected for the group in which the vacancy occurred and such successor shall serve for the unexpired term of the predecessor in office. The five (5) trustees in office at the time of the passage of this act shall continue in office for a new term of two (2) years from and after July 1, 1949, and shall be deemed to have been elected by the votes of the first two groups. The members of the first group appointed directly by the governor shall serve for a term of three (3) years and the members of the second group appointed by the governor from nominations made to him, shall serve for a term of four (4) years, and thereafter the terms of the members of each group shall be five (5) years, so that the terms of not more than one-third (⅓) of the members of the board shall expire in any year.

Terms of office of trustees.

Basis for appointment or election of trustees.

All members of the board of trustees, whether appointed or elected, shall be appointed solely with reference to their special interest in the accomplishment of the purposes of the society, their fitness for discharging the duties of the trustees and their willingness to devote time and effort in the public interest and to serve without compensation. Special recognition in the matter of appointments shall be given to actual pioneers of Montana qualified as members, or to become members of the Montana society of pioneers, and to the actual sons and daughters of such pioneers when they are otherwise qualified. The board of trustees shall have power to select an executive committee of five (5) members from among its numbers and to delegate to such committees such functions in aid of the efficient administration of the affairs of the society, and the work of the librarians, as the board may deem advisable.

Executive committee.

Membership in the society.

Section 4. The board of trustees of the society is hereby authorized and empowered to create memberships in the society, which shall be composed of the following classes:

1. Active members.
2. Associate members.
3. Corresponding members.
4. Honorary members.
5. Affiliated members, comprising affiliated societies.

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Members of the classes one, two and three may be divided into annual members and life members. The board of trustees shall determine the qualifications of members of any class or subdivision, and the fees to be paid for membership. All members shall have the right to attend the meetings of the board, and may speak upon all questions before the society and present resolutions and recommendations, but no members shall have the privilege of voting. Members of classes one, two and three, when bona fide residents of Montana, are eligible for election to the board of trustees, which board is vested with the government and administration of the society.

Powers and duties of board of trustees.

Section 5. The powers and duties of the board of trustees are as follows:

Officers.

1. To elect from among their number, a president of the board and a vice-president, who shall serve as such in the event of the death or disability of the president; to adopt by-laws for their own government, and to make rules and regulations, not inconsistent with law for the government and administration of the society and its collections and to organize the collections of the society in a library department and in a museum department.

By-laws.

Librarian and assistant.

2. To appoint a librarian and assistant librarians and prescribe their duties.

Sale or exchange of books.

3. To sell or exchange duplicate copies of books and pay the money arising therefrom into the historical society fund, hereafter established.

Maintenance of properties.

4. To see that the books, collections and other properties of the society, both in the library and in the museum, are maintained in good order and repair.

Moneys for expenses.

5. To draw from the fund in the state treasury at any time when needed, and moneys are available in the fund, for legitimate and proper expenses in aid of the maintenance, development and operation of the society and its collections. To report to the governor biennially, a statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services.

Report to governor.

Collect books and materials.

6. To collect, assemble, arrange and preserve books, pamphlets, maps, charts, manuscripts, journals, diaries,

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papers, paintings, engravings, photographs, statuary, relics, including military relics and other materials illustrative of the history of Montana in particular, and generally of the northwest and of the United States of America; to procure from pioneers and early settlers, narratives of the events relative to the early settlement of Montana, the Indian occupancy, overland travel and immigration to the territories of the west; to gather information, specimens and other materials calculated to exhibit faithfully the antiquities in the area, particular attention being paid to Indian artifacts and implements; to collect and preserve fossils, concretions, native plants and animals, natural history specimens of Montana, specimens of ores and minerals, objects of curiosity connected with the history of Montana and all such books, maps, writings, charts or other material as will tend to facilitate historical, scientific and antiquarian research; to take steps to promote the study of Montana history by lectures and publications, and to publish annually or at such other intervals as the board of trustees may determine, the proceedings of the society in continuation of the publications originated by it, or other different title and in different format, including paper upon historical pamphlets, or both; to collect and to keep the collections of newspaper files and to bind and carefully preserve all unbound books, manuscripts and newspaper files; to employ microfilm process and to store and catalogue microfilms of papers in danger of disappearance or injury from age or other imperfections, or rare papers and documents, and other papers and documents as the librarian may deem advisable; to enter into such arrangements, as are permitted by law, with the library of congress of the United States, the copyright office and the superintendent of documents of the United States as may be for the benefit and advantage of the society in the acquisition of books and publications, or otherwise.

Promote study of Montana history.

Publications.

Other duties.

Librarian, term and qualifications.

Section 6. The librarian appointed by the board shall be appointed solely with reference to fitness for the duties of librarian, curator and museum manager, and the term of the librarian shall be five (5) years unless sooner removed by a majority vote of the trustees. The assistant librarians and all persons employed in carrying out the functions and activities of the society in the library and

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museum shall be appointed solely with reference to their fitness for their particular duties.

Duties of librarian.

Section 7. It is the duty of the librarian and of the assistant librarians:

Work hours.

1. To be in attendance in the quarters of the library and museum from 9:00 o'clock A.M. to 5:00 o'clock P.M. during each day of the year except Sundays and holidays designated as legal holidays.

Purchases for library and museum.

2. To purchase, under the direction of the trustees, all books, maps, engravings, charts, relics and museum exhibits, paintings, furniture and supplies for the library and the museum.

Number and catalogue books, etc.

3. To number and stamp all books, maps, papers and pamphlets belonging to the library and to keep a catalogue thereof in accordance with modern systematic cataloging in historical libraries.

Binding of books and papers.

4. To have bound all books, pamphlets and papers when directed thereto by the trustees.

Register of books and property.

5. To keep a register of all books and all other property belonging to or in the library and museum, the additions made each year and the cost thereof.

Register of books taken from library.

6. To keep a register of all books or other properties taken from the library or museum under express authority of the trustees.

System of exchange of books.

7. To establish and maintain a system of domestic and foreign exchange of books, maps or other publications and to obtain from the secretary of state such numbers of all state publications as may be needed to supply the demands of the exchange system established.

Gifts and legacies made to society.

8. To accept and receive, in the name of the society, any and all gifts, donations, bequests and legacies that may be made to the society; and in this connection, upon receipt of moneys by donation, gift, bequests or legacies, to deposit the same forthwith in the state treasury to the credit of the historical society fund. The librarian is authorized to refuse to accept any gifts or movable articles which are not fit for acquisition.

Assistant librarian, duties of.

The assistant librarians shall perform such duties as may be prescribed by the librarian under direction of the trustees and shall serve in any department of the society.

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Bonds of librarian and assistant librarian.

Section 8. The librarian and the assistant librarian must each execute an official bond, in the penal sum of five thousand dollars ($5,000) as respects the librarian and in the penal sum of one thousand dollars ($1,000.00) as respects the assistant librarians, conditioned as the board of trustees may order, which bonds shall be approved by the governor and deposited with the secretary of state.

Salaries of librarian and assistant.

Section 9. The annual salary of the librarian and of each assistant librarian shall be fixed by the board of trustees and shall be payable, in monthly installments, out of the historical society fund in the state treasury.

Historical society fund.

Section 10. There is hereby established the historical society fund which shall consist of (1) all moneys appropriated by the legislative assembly to such fund (2) all gifts, donations, legacies and bequests of moneys of the society or to the State of Montana for the use and benefit of the society and (3) all money income from any other source.

Official seal of society.

Section 11. The society shall continue to use the official seal heretofore authorized by law and adopted by the society, for the purpose of authenticating the acts of the society and for all other purposes for which the use of a seal by the society may be deemed proper. The design of the seal shall be substantially as follows: A central group representing a covered immigrant wagon drawn by two yoke of oxen, showing prairie in the foreground, mountains in the background and directly beneath it the figures "1865." Said seal shall be two inches in diameter and surrounded by the words, "Historical Society of Montana. Seal."

Collections and offices to be maintained in capitol building.

Section 12. The collections of the society and its offices shall continue to be maintained in the capitol building at Helena. The state board of examiners of the State of Montana, and said board as, ex officio, state furnishing board, shall secure for the society its offices, library and museum, adequate and commodious quarters for all of its activities in the veterans and pioneers' memorial building, hereafter to be erected and shall decorate, fit and furnish such quarters in harmony and in dignity with the historical purposes of the society, and all furniture and fittings for storage and use of books and for museum

Quarters in veterans and pioneer building to be erected.

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exhibitions, hereafter acquired, shall be, in design and function, adapted to the efficient operation and administration of the library and museum.

Sale of printed proceedings, pamphlets and papers.

Section 13. The society may open and maintain subscription books for subscriptions to its printed proceedings, pamphlets and papers and may sell the same at cost of production to the society plus a charge of one dollar ($1.00) for all publications costing five dollars ($5.00) or more per volume and of twenty-five cents (25¢) for all publications costing less than five dollars ($5.00) per volume. The society shall arrange or secure contracts to cover the costs of its publications and subscribers shall pay in advance for the same on execution of written orders of purchase addressed to the society.

Freight, express and mail charges on books sent to the library.

Section 14. The librarian is authorized to pay reasonable freight, express, and mail charges upon books or other articles sent to the library by the general, state, or foreign governments, or private parties, taking proper vouchers therefor, and upon presentation of such vouchers to the board of examiners and the allowance thereof, the same must be paid out of the state treasury from the particular historical society fund.

Salary, expense and other claims.

Section 15. All other claims, including claims for salaries and expenses of operation, acquisitions, purchases of books, etc., shall be prepared by the claimant, submitted to the librarian for verification and approval and by the librarian approved, and thereafter submitted to the state board of examiners for approval by it, and on approval of the claim by the state board of examiners and delivery thereof to the state auditor, the state auditor shall draw and issue his warrant on the historical society fund in payment of the claim.

Repealing clause.

Section 16. Sections 1547 through 1569, inclusive, Revised Codes of Montana, 1935, as amended and supplemented, shall be, and the same are hereby repealed, and all acts and parts of acts in conflict with this act are hereby repealed.

Effective date.

Section 17. This act shall be in full force and effect from and after 12:01 o'clock A.M. on Friday, July 1, 1949.

Approved March 1, 1949.

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CHAPTER 135

An Act to Amend Section 9112, Revised Codes of Montana, 1935, Relating to Service of Summons on Certain Corporations Including National Banking Corporations Who, Through Insolvency or Lapse of Charter, Have Ceased to Do Business in Montana; and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9112, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Service of summons on certain corporations may be made on secretary of state, procedure.

"9112. **Service of Summons On Certain Corporations — Made On Secretary of State.** When an action is pending in any court in this state against a corporation organized under the laws of this state, or against a corporation organized under the laws of any other state or country, that has filed a copy of its charter in the office of the secretary of state of Montana and qualified to do business in this state, *or against a national banking corporation who, through insolvency or lapse of charter has ceased to do business in Montana,* upon any cause of action arising within this state, and the president or other head, secretary, cashier, or managing agent of such domestic corporation, or the business agent, cashier, secretary, or agent appointed to receive service of process by such corporation organized under the laws of any other state or country, or any clerk, superintendent, general agent, cashier, principal director, ticket agent, station-keeper, managing agent, or other agent, having the management, direction, or control of any property of any corporation doing business in this state, cannot be found, upon which service of process can be made, and an affidavit is filed in the office of the clerk of the court in which the action is pending, setting forth that an action is pending in that court, and that the plaintiff has a good cause of action upon the merits, and that such corporation is a necessary party therein, and that none of the persons or officers above named can be found within the state, upon whom service of process can be made, the clerk of the court shall make an order directing process to be served upon the secretary of state of the state of Montana, or, in his absence

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from his office, upon the deputy secretary of state of the State of Montana."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved March 1, 1949.

CHAPTER 136

An Act to Provide for the Control of Noxious Rodents and Related Animals, Such as Jack Rabbits, Prairie Dogs, Ground Squirrels, Pocket Gophers, Rats, Mice, and Other Rodents and Related Animals Which Are Injurious to Agriculture, Other Industries, and the Public Health; to Authorize Co-Operation With the United States Department of the Interior, Fish and Wildlife Service, in the Control of Such Noxious Rodents and Related Animals; and to Provide Funds to Enable the State of Montana Live Stock Commission to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Live stock commission directed to cooperate with United States department of agriculture, fish and wild life service in control of noxious rodents.

Section 1. The State of Montana live stock commission is hereby authorized and directed to cooperate with the United States department of the interior, fish and wildlife service, in the control and destruction of jack rabbits, prairie dogs, ground squirrels, pocket gophers, rats, mice, and other rodents and related animals in this state that are injurious to agriculture, other industries, and the public health in accordance with organized and systematic plans of the fish and wildlife service covering the control of such noxious rodents and related animals; and for this purpose to enter into written agreements with the fish and wildlife service covering the methods and procedures to be followed in the control and destruction of such noxious rodents and related animals, the extent of supervision to be exercised by either or both the State of Montana live stock commission and the fish and wildlife service, and the use and expenditure of funds hereinafter appropriated: Provided, that State of Montana live stock commission, in cooperation with the fish and wildlife serv-

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Agreements with other agencies, counties, etc.

ice, is authorized also to enter into cooperative agreements with other governmental agencies, and counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of noxious rodents and related animals.

Expenditures authorized.

Section 2. The State of Montana live stock commission is hereby authorized to make such expenditures for equipment, materials, supplies, and other expenses, including expenditures for personal services, as may be necessary to execute the functions imposed upon it by this act.

Appropriation.

Section 3. For the purpose of carrying out the provisions of this act, the sum of twenty thousand dollars ($20,000.00) per annum is hereby appropriated out of the general funds in the state treasury.

Purchase of rodent control supplies.

Section 4. In addition to the expenditures hereinbefore authorized the State of Montana live stock commission is authorized to purchase rodent control supplies, including rodent baits, for the use of cooperating governmental agencies, and counties, associations, corporations, or individuals in the control of noxious rodents and related animals, and to make these supplies and baits available to such cooperators at approximate cost. The receipts from the sale of such supplies and rodent baits shall be credited to a "rodent control fund", which fund is hereby established, and said fund shall be made permanently available and is hereby appropriated for expenditure by the State of Montana live stock commission in the same manner as herein provided in Section 2, of this act.

Rodent control fund.

Repealing clause.

Section 5. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after July 1, 1949.

Approved March 1, 1949.

CHAPTER 137

An Act Providing for Assessing and Taxing Gross Earnings of Freight Line Companies Doing Business in Montana; Defining Terms; Prescribing Duties and Liabilities of Freight Line Companies and Railroad Com-

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panies, and Penalties; Prescribing Powers and Duties of the State Board of Equalization; Providing for Hearing, Adjustment of Tax, Refund, and Other Matters Pertaining to This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** The following words and phrases, when used in this act, shall have the following definitions:

"Freight line companies."

(a) Freight line companies. Any person, or persons, joint stock company, association, or corporation, wherever organized or incorporated, not being the owner, lessee, or operator of any railroad, engaged in the business of operating cars, or engaged in the business of furnishing or leasing cars, not otherwise listed for taxation in Montana, for the transportation of freight (whether said cars be owned by such company or any other person or company) over any railway line or lines, in whole or in part within this state, such line or lines not being owned, leased, or operated by such company, whether such cars be termed flat, coal, ore, tank, stock, gondola, furniture, or refrigerator cars, or by some other name.

"Board."

(b) Board. The term "board" shall mean the state board of equalization of the State of Montana.

"Earnings."

(c) Earnings. The terms "gross earnings" or "total gross earnings" are hereby declared to be and shall be construed to mean all earnings on business beginning and ending within this state, and a proportion, based upon the proportion of mileage within the state to the entire mileage over which such business is done, of all earnings on interstate business passing through, into, or out of this state.

Rate of tax payable by freight line companies.

Section 2. **Rate of Tax; Situs.** Every such freight line company shall pay annually for each calendar year a sum in the nature of a tax in the amount of five per cent (5%) of the total gross earnings received from all sources by reason of the use or operation of such cars within this state by such freight line company, which shall be in lieu of all other taxes upon such property of any freight line company so paying the same; provided, for the purpose of taxation, all cars used exclusively within the state or used partially within and partially without the state, are

Situs of cars.

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hereby declared to have situs within the state, the value thereof for such taxation to be determined as provided for in this act.

Railroad companies to withhold tax.

Section 3. **Railroad Companies to Withhold Tax, File Statements Annually and Remit to State; Receipts; Investigations; Ad Valorem Tax Basis.** Every railroad company so using or leasing said cars, upon payment therefor to such company shall withhold from such payment five per cent (5%) of as much thereof as shall constitute gross earnings of such freight line company within this state. On or before March 1, 1950, such railroad company shall make and file with the board a consolidated statement in a form to be prescribed by the board, showing the amount of such payments for the next preceding calendar year ending December 31, 1949, and the amounts so withheld and due the state of Montana. A like report shall be made on or before March 1st of each year thereafter. Such railroad company at the time of filing such statement shall remit the amounts so withheld and due the State of Montana. Upon receipt of such payment, the board shall issue its receipt, in triplicate, one copy of which shall be mailed to such railroad company, one to the freight line company for which such tax is paid, and one to be retained in the office of the state board of equalization. The mailing of such receipt to such freight line company shall constitute notice of the filing of said statement and payment of said tax. If any railroad company shall fail to make or file such report, or if the state board of equalization be dissatisfied with any report filed, the board shall have the power to conduct a hearing and investigation for the purpose of ascertaining from whatever sources to which it has access, the gross earnings of such freight line company from the use or operation of such cars within the borders of this state, and in conducting such hearing and investigation, the board shall have power, by subpoena, to require officers, agents, employees or receivers of such railroad company, or of such freight line company, to attend before the state board of equalization, and to bring with him, or them, for inspection by the board, any books, papers, or documents in his or their possession, or under his or their control, in any manner affecting said tax, and to testify under oath concerning any matter relating to the organization or business of such freight line company within this state. Any

Annual statements.

Remittance of amount withheld.

Receipts to be issued by board.

Investigation by board, and its powers incidental thereto.

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person who shall fail, neglect or refuse to attend before the board, when subpoenaed so to do, or who shall fail, neglect, or refuse to bring with him and submit for inspection by the board any books, papers, or documents in his possession or under his control affecting the organization or business of such freight line company within this state, or who shall refuse to testify, or refuse to answer any question which may be asked him concerning the organization or business, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months. Every freight line company, as hereinbefore defined, shall be liable for the payment of the difference, if any, between five per cent (5%) of all gross earnings in this state and the amounts withheld and remitted to the State of Montana by railroads, and shall be liable for the payment of any additional taxes which the board may find due under its authority to raise or lower the rate to conform to the taxes which would be payable if the cars were taxed on an ad valorem basis.

Penalties.

Liability of freight line companies.

Section 4. **Notice of Incorrectness or Insufficiency; Procedure Upon Failure to File Report.** Upon the filing of the reports herein provided for, the board shall compute and determine the amount of the tax, and on or before May 1st, notify such railroad company and freight line company if such report or payment of tax be incorrect or insufficient and such railroad company shall be liable for any additional tax found to be owing the State of Montana. If no report be filed as herein required, the board shall, on or before May 1st, ascertain from whatever sources to which it has access the gross earnings of such freight line company within this state from the use or operation of such cars by such railroad company; or if the gross earnings are not capable of being ascertained, the board may estimate the gross earnings of such freight line company within this state from such railroad company and the railroad company which failed to make the report or pay the tax shall be liable for the same together with penalties as hereinafter provided.

Notice of incorrectness or insufficiency of report or payment.

Procedure upon failure to file report.

Section 5. **Ad Valorem Tax Basis; Complaints, Notice,**

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Testimony, Hearing, Refunds, Valuation of Cars as Unit. It is hereby declared to be the intention of the legislature that the tax herein imposed be not greater than the amount of tax such freight line company would pay if its cars were taxed on an ad valorem basis. No tax other than as in this act imposed shall be assessed against the business or income of any such freight line company. Any such freight line company or railroad company, on or before June 1st of the year in which the tax herein imposed has been paid, may file written complaint with the board concerning the correctness of the rate used, or the correctness of the amount of the tax imposed, or any other matter affecting the complainant under the provisions of this act, which is within the jurisdiction of the board. Upon filing such complaint, the board shall set the same for hearing, and shall give written notice thereof to the complainant at least ten (10) days before the date set for hearing thereon. Upon the hearing of any such complaint, the board shall take testimony to determine whether the amount of the tax, as computed and determined by the board, is greater than the general ad valorem tax for all purposes would be on the cars of such freight line company subject to taxation in Montana, if assessed and taxed on an ad valorem basis. In such cases the board shall have the power, and it shall be its duty, to lower or raise the rates herein specified to conform to the facts disclosed at such hearing and to make the amount of the tax due equivalent to such ad valorem tax. If the board shall then determine that the amount of the tax imposed and collected was excessive, the claimant shall be entitled to a refund to the extent of such excess. Within six (6) months after such determination, the claimant may present to the state board of equalization a sworn claim for such refund, setting forth the amount thereof. If the claim is found to be correct and is approved by the board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and the same shall be paid out of the freight line company tax fund created by this act, in the same manner as other claims against the state are paid. In order to determine the amount of tax such freight line company would pay, said board may value all cars of any such company as a unit and allocate to Montana that proportion of the total value which the Montana car mileage

Tax not to exceed amount companies would pay on ad valorem basis.

Complaint by companies.

Notice and hearing.

Adjustment of rates.

Claim for refund.

Refunds to be paid out of freight line company tax fund.

Basis for determining amount of tax company would pay.

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bears to the total car mileage of the cars of any such freight line company during the twelve (12) months' period ending December 31 of the preceding year, and may then apply to such value, the average total rate of all general property taxes levied for the preceding year by the taxing authorities of the state, counties, school districts, municipalities and other taxing subdivisions for state, county, school and municipal and other purposes.

Penalty for non-payment by railroad company.

Section 6. **Penalty for Nonpayment by Railroad Company.** If any such railroad company shall fail to pay such tax within the time specified in this act, a penalty of ten per cent (10%) of the amount of such tax shall be added thereto and charged against such railroad company by the board.

Actions to recover delinquent taxes and penalties.

Section 7. **Actions to Recover Delinquent Taxes and Penalties, Additional Taxes.** If the taxes and penalties provided for in this act to be paid by the railroad company on the property of such freight line company remain unpaid more than ninety (90) days from the due date, the board shall cause an action to be brought to recover the amount of such delinquent taxes and penalties in the district court of any county within the State of Montana in which service can be had on the railroad company which is liable for the payment of such taxes or penalties, or in which the property of such delinquent railroad company can be seized under attachment or garnishment proceedings in the manner prescribed by law. In the event the board under its authority to raise or lower the rate of the taxes which would be payable on the cars of such freight line company if taxed upon an ad valorem basis, shall, after a hearing as herein provided, find taxes due from any such freight line company in excess of the five per cent (5%) of all gross revenue in this state which is required to be paid by the railroad companies, such additional tax as so determined shall be due and payable by the freight line company upon which the assessment is made, and if such tax shall remain unpaid for more than ninety (90) days after notification of such assessment by the board, the board shall cause an action to be brought to recover the amount of such additional tax in the district court of any county within the State of Montana in which service can be had on the freight line company liable for the tax or in which the property of such delinquent freight line company can

Additional tax, action to recover.

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be seized under attachment or garnishment proceedings in the manner prescribed by law.

Separability of act.

Section 8. **Invalidity of Part.** If any part, portion, clause, paragraph, sentence or section of this act shall be declared unconstitutional by any court of competent jurisdiction, it is hereby declared that this act would have been passed without such part, portion, clause, paragraph, sentence or section, and such judgment or decree shall not affect the validity of any other part, portion, clause, paragraph, sentence or section hereof.

Disposition of taxes collected.

Section 9. **Disposition of Moneys, Refund Claims.** All taxes collected under the provisions of this act shall be credited by the state treasurer to a fund which shall be known as the "freight line company tax fund" and shall be held therein for a period of four (4) months. Thereafter, the same shall be transferred to the state general fund for the use of the state, provided, that if any claim for refund be pending before the board under the provisions of this act, the amount claimed as a refund shall be held in said freight line company tax fund until the board has determined whether a refund should be made. If the board shall determine that a refund should not be made, or no action or proceeding has been instituted in court to determine the correctness of such tax within sixty (60) days thereafter, then the amount so withheld shall be transferred to the state general fund. The board shall notify the state treasurer: (a) when any claim for refund is filed, which notification shall show the amount claimed as a refund; (b) when any claim for refund has been denied; and (c) when any action or proceeding has been instituted. The state treasurer shall, immediately upon making any transfer of funds as provided herein, forthwith notify the state auditor and the state accountant of such transfer and such officials shall forthwith make proper entries upon their books and records to correspond with such transfer in the state treasury.

Notices to state treasurer, auditor and accountant.

Conduct by railroad company or freight line company by which they are estopped to question validity of tax imposed.

Section 10. If any railroad company or freight line company affected by this act shall refuse or neglect to make any report required by this act, or shall refuse or neglect to permit an examination of its books, records, accounts and papers upon demand of the board, or shall refuse or neglect to appear before the said board in obedience to its order or subpoena, or shall fail to object to

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the tax imposed by this act within the time and in the manner prescribed by this act, it shall be estopped to question or impeach the action or determination of the said board as to the validity of the tax imposed hereunder.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1949.

CHAPTER 138

An Act Regulating the Commerce Within the State of Montana of Oleomargarine, Prohibiting the Manufacture, Sale, Possession With Intent to Sell, Transportation or Serving in a Public Eating Place of Oleomargarine Which Is Colored Yellow, Defining the Terms Used Herein, Establishing Standards of Sanitation for Manufacturing and Handling Oleomargarine, Licensing the Manufacture and Wholesale Traffic in Oleomargarine, Providing for District Court Jurisdiction of Offenses and Actions Under This Act, and Restraint of Violations, Condemnation of Yellow or Unfit Oleomargarine, Sampling and Testing As to Purity and Color, Use of Samples As Evidence, Standard Measure, Certain Fat Content, Standards of Wrapping and Marking Packages, Reports By Manufacturers, Providing Penalties for the Violation of This Act, and Causes for and Methods of Revocation of Licenses, Empowering the Commissioner of Agriculture, Labor and Industry to Promulgate Rules and Regulations in Conformity to This Law, and Providing for the Exemption of Certain Products, Severability of the Provisions of This Act, Repeal of All Acts and Parts of Acts in Conflict Herewith, and Providing the Effective Date Shall Be Upon Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Short Title and Legislative Intent.** This act shall be cited as the "Oleomargarine Law", and is intended: (a) to protect consumers from fraud, deception and confusion which is inherent in the traffic of yellow oleomargarine, and (b) to encourage dairy farming in the knowledge that the contribution which dairying makes Short title and and legislative intent.

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to sound agriculture and the nutritional well-being of the people are irreplaceable.

Definitions: "Oleomargarine."

Section 2. **Definitions.** (a) For the purposes of this act the following manufactured substances, mixtures, and compounds with or without butter, milk, skim milk, or cream are and shall be considered "oleomargarine";

Substances included.

(1) All substances heretofore known as oleomargarine, oleo, margarine, oleomargarine oil, butterine, lardine, suine and neutral.

Mixtures and compounds.

(2) All mixtures and compounds containing any edible oils or fats other than milk fat, and all mixtures and compounds containing milk fat, if (A) made in imitation or semblance of butter, or (B) calculated or intended to be sold as butter or for butter or as butter substitutes, or (C) churned, emulsified, or mixed in cream, milk, skim milk, water, or other liquid and containing moisture in excess of one per centum (1%) with or without common salt.

"Yellow oleomargarine."

(b) For the purposes of this act "yellow oleomargarine" is "oleomargarine" as defined in subsection (a) of this section, having a tint or shade containing more than one and six-tenths degrees (1.6°) of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of the Lovibond tintometer scale or its equivalent.

(c) For the purposes of this act:

"Manufacturer."

(1) The word "manufacturer" means any person licensed by the State of Montana for the purpose of engaging in the making, producing, processing or forming of oleomargarine by any method, means or process;

"Wholesaler."

(2) The word "wholesaler" means any person licensed by the State of Montana for the purpose of distributing or reselling oleomargarine to a retailer;

"Retailer."

(3) The word "retailer" means any person who comes into possession of oleomargarine for the purpose of selling or distributing it to the consumer;

"Person."

(4) The word "person" means one or more individuals, firms, corporations, partnerships or associations.

Section 3. **Prohibited Acts.** The following acts and the causing thereof within the state are hereby prohibited:

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The manufacture, sale, offering or exposing for sale, transportation, serving in a public eating place, having in possession with intent to sell of yellow oleomargarine.

Penalty.

Section 4. **Penalty.** Any person, firm or corporation, and any officer, agent, or employee of any such person, firm or corporation, who violates any of the provisions of Section 3 or 6 shall be deemed guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than ten (10) days, or a fine of not more than fifty dollars ($50.00), or both such imprisonment and fine; but if a violation is committed after a conviction of such person under this Section has become final, such person shall be subject to imprisonment for not more than sixty (60) days, or a fine of not more than three hundred dollars ($300.00), or both such fine and imprisonment.

Jurisdiction.

Section 5. **Jurisdiction.** The district court shall have jurisdiction to restrain violations of Section 3, and shall have jurisdiction of all offenses and actions under this act.

Section 6. **Condemnation of Yellow Oleomargarine.**

Condemnation of yellow oleomargarine.

(a) Whenever a duly authorized agent of the commissioner of agriculture, labor and industry finds or has probable cause to believe that an article in the hands of a manufacturer, wholesaler, distributor or retailer is "yellow oleomargarine" within the meaning of this act, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, yellow oleomargarine and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

Tagging of article suspected of being yellow oleomargarine.

Petition for order of court.

(b) When an article detained or embargoed under Section (a) has been found by such agent to be yellow oleomargarine, he shall petition the court in whose jurisdiction the article is detained or embargoed for an order to show cause why such article should not be bleached or destroyed. When such agent has found that any article so detained or embargoed is not yellow oleomargarine, he shall remove the tag or other marking.

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Bleaching or destruction of article found to be yellow oleomargarine.

(c). If the court finds that a detained or embargoed article is yellow oleomargarine, such article shall, after entry of the decree, be bleached or destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Sanitary control of oleomargarine products.

Section 7. **Sanitary Control of Oleomargarine Products.** The commissioner of agriculture or his authorized agent, acting upon reasonable cause, may order to be closed any factory, plant or place where oleomargarine is manufactured, when he finds such factory, plant or place not to be kept in a sanitary condition, and may order to cease sale, distribution or exchange of oleomargarine any wholesaler or jobber whose facilities for the storage, shipping or handling of oleomargarine are found not to be kept in a sanitary condition. Any manufacturer ordered to close, or any wholesaler or jobber ordered to cease sale, distribution or exchange of oleomargarine, as aforesaid, who shall violate such order by resuming the manufacture, or by resuming the sale, distribution or exchange of oleomargarine before authorization so to do by the commissioner of agriculture or his authorized agent, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than two hundred and fifty dollars ($250.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than thirty (30) days, or by both such fine and imprisonment. In addition to such fine or imprisonment, any person or persons, firm or corporation manufacturing, or wholesaling or jobbing oleomargarine after being ordered to close or cease manufacture, sale, distribution or exchange, and before receiving notice to resume such operation, who shall violate such order by resuming operation, shall be subject to payment of an additional fine of twenty-five dollars ($25.00) for each day the manufacture, wholesaling or jobbing is continued in violation of such order, upon conviction of operation in violation of such order, and upon order of the court.

Penalty for violation of violate order of commissioner agriculture or his agent.

Right to enter for purpose of inspection.

The commissioner of agriculture or any of his authorized agents shall have the right to enter any manufacturing plant or place, factory, building, store, railroad depot, express office, storage facility, shipping facility or handling facility, or other place where oleomargarine is pro-

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duced, manufactured, sold or kept in commercial storage or while in intra-state transit from one place to another, for the purpose of inspection of such oleomargarine to obtain samples of the same for testing or analysis.

Sampling and testing of oleomargarine products.

Section 8. **Sampling and Testing of Oleomargarine Products.** The department of agriculture, labor and industry is hereby charged with the duty to provide suitable means for the taking of samples of all oleomargarine products.

Said department shall have the authority and it shall be its duty to take such samples from any person, firm or corporation engaged in the handling, manufacturing, wholesaling or jobbing of oleomargarine, but the agent of the department taking the same must at the time of such taking, pay or offer to pay for them at their full value, and if payment is accepted, such agent must take a receipt for the same from the person from whom the samples are obtained.

Lovibond tintometer test.

Said department shall have the authority and it shall be its duty to conduct the Lovibond tintometer test for determination of "yellow oleomargarine," as defined in Section 2 (b) hereof, and the commissioner of agriculture, labor and industry is hereby authorized and empowered to promulgate and enforce such reasonable rules and regulations relating to such test as may be necessary to effect enforcement of this act.

Test of samples.

Section 9. **Test of Samples — Rules of Evidence.** The department of agriculture, labor and industry may require a chemist from the state board of health to test and analyze samples of oleomargarine taken by it. All such samples and the record of their analysis or test, when identified as to the sample of the record thereof by the oath of the officer taking the same, or when verified as to the analysis or test by the oath of the chemist making the same, shall be admissible in evidence in any court of this state or in any prosecution for the violation of this act or for the violation of any rule or regulation of the department as prima facie evidence of the facts disclosed thereby.

Rules of evidence.

Condemnation of unfit products.

Section 10. **Condemnation of Unfit Products.** The commissioner of agriculture, labor and industry, in person or through his agents or employees, is hereby authorized to

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condemn any oleomargarine which is found to be impure, unclean, unwholesome or stale, or that is produced, manufactured, handled, shipped or kept in an unsanitary place, or that is adulterated (as the word "adulterated" is defined by Section 2579, Revised Codes of Montana, 1935); and, he shall have the power, acting in person or through his agents or employees, upon proper finding and order, to cause to be destroyed such condemned oleomargarine.

Standard oleomargarine measure.

Section 11. **Standard Oleomargarine Measure.** The standard measure for the sale of oleomargarine, in the State of Montana, shall be sixteen (16) ounces, (avoirdupois weight) to the pound, exclusive of the wrapper or container, no tolerance in deficiency being allowed. All oleomargarine sold, offered or exposed for sale shall be in packages, paper containers or wrappers of one (1) or two (2) pounds, net standard avoirdupois weight, no tolerance for deficiency being allowed; provided, however, that packages of the weight specified may be made up of smaller component packages of wrapped oleomargarine in multiples of four (4) or eight (8) ounces each.

Fat content requirement.

Section 12. **Fat Content Requirement for Oleomargarine.** Any product manufactured, sold, exchanged, offered or exposed for sale or exchange as oleomargarine shall contain not less than eighty per centum (80%) vegetable or animal fat, no tolerance for deficiency being allowed.

Wrapping and marking package.

Section 13. **Wrapping Oleomargarine and Marking Package.** All oleomargarine sold or exchanged, or offered or exposed for sale or exchange at retail in the State of Montana, wherever manufactured, must be wrapped in parchment paper, cellophane, plastic material, or other suitable wrapping material, and must have the wholesaler's or manufacturer's name clearly printed in a conspicuous place on the outside of the package in which sold. Further, on the outside of each such package shall be plainly marked, stamped, labeled or printed in plain, boldfaced letters, one-half (½) inch high, the word "oleomargarine". And there shall also be plainly marked, stamped, labeled or printed thereon a statement of the name, and the quantity per pound of all preservatives, vitamins, vitamin extracts or other artificial ingredients used therein, or added thereto. On the outside of each package of oleomargarine so sold or exchanged or offered for sale or exchange shall appear, in addition to the fore-

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going, the words "16 ounces net weight," "1 lb. net weight," "32 ounces net weight," or "2 lbs. net weight" as are appropriate identification of the weight of the contents of such package.

Reports by manufacturers.

Section 14. **Reports by Manufacturers of Oleomargarine.** Every person, firm or corporation manufacturing oleomargarine within this state is hereby charged with the duty of rendering to the department of agriculture, labor and industry once a month, not later than the tenth day of each month, a full report of the amount of oleomargarine manufactured during the preceding month. If one person, firm or corporation carries on both manufacturing and wholesaling or jobbing, then a separate report reflecting the manufacturing operation, as required hereinabove shall be filed. Any person failing to render the report required by this section, or failing to make said report when due, shall be guilty of a misdemeanor and subject to the penalties provided in Section 18 for the violation of the provisions of this act.

Wholesale licenses.

Section 15. **Wholesale Licenses.** It shall hereafter be unlawful for any person, firm or corporation, by himself, his or its servant or agent, to sell, exchange or offer for sale at wholesale, or have in his or its possession with intent to sell or offer for sale or exchange at wholesale any oleomargarine, as herein defined, without first securing an annual license from the department of agriculture, labor and industry of the State of Montana to conduct such sale or exchange. The fee for such license shall be twenty dollars ($20.00) each year. Those persons, firms or corporations having a license from said department permitting them to manufacture oleomargarine shall be exempted from this license. Whenever any person, firm or corporation by himself, his or its servant or agent, or as the agent or servant of another, conducts such sale or exchange in more than one place of business, a separate license shall be obtained for each place of business, and a separate fee shall be charged for such license. All wholesalers or jobbers handling oleomargarine shall conduct their business under regulations of cleanliness, sanitation and refrigeration prescribed by the commissioner of agriculture, labor and industry.

Fee.

Manufacturer's license.

Section 16. **Manufacturers License.** It shall be unlawful for any person, firm or corporation to operate or

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carry on the manufacture of oleomargarine within the State of Montana without first securing a license from the department of agriculture, labor and industry, which license shall expire on the 31st day of December of the year in which it is issued. The following schedule of license fees shall be charged by the department for all licenses issued under this section:

Fees.

Plants or factories manufacturing one hundred thousand pounds (100,000 lbs.) or less of oleomargarine a year, twenty dollars ($20.00). An addition of five dollars ($5.00) shall be made to the fee for any such license for each one hundred thousand pounds (100,000 lbs.) or any fraction thereof annually produced in excess of the first one hundred thousand pounds (100,000 lbs.).

For the first year, or portion thereof before December 31, during which such plant or factory is in operation, the license fee shall be twenty dollars ($20.00). Thereafter, the total year's production of the applicant for a year immediately preceding the application for a license shall determine the amount of any license required by this section.

Revocation of license.

Section 17. **Revocation of Licenses.** All licenses issued by the department under this act, including wholesale and manufacturer's licenses, may be revoked by the commissioner of agriculture, labor and industry of the state whenever the holder of such license shall fail to comply with the laws of the State of Montana relative to the conducting of his place of business under such license, or whenever he shall fail to conduct said establishment in an orderly or sanitary manner. A licensee, upon revocation of his license, shall have the right of appeal to the district court from the order of revocation of the commissioner of agriculture, labor and industry, upon filing a written notice of appeal with the commissioner of agriculture, labor and industry within ten (10) days after service of the order of revocation upon said licensee. Upon appeal, the district court shall hear the matter de novo. If any person whose license has been so revoked by the commissioner shall thereafter continue to conduct or carry on said place of business without a license, he shall be deemed guilty of a misdemeanor and shall be subject to the penalties in this act hereinafter provided.

Appeal.

Penalty.

Section 18. **Penalty.** Any person, firm or corporation

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who either directly or indirectly, or by his or its servant, agent or employee, shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and where no specific penalty is provided, shall be punished by a fine of not more than two hundred dollars ($200.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both fine and imprisonment.

Power of commissioners to promulgate rules and regulations.

Section 19. **Power of Commissioner of Agriculture, Labor and Industry to Promulgate Rules and Regulations.** The commissioner of agriculture, labor and industry shall have power, and it shall be his duty, to promulgate all reasonable rules and regulations in aid of and consistent with this act. Such rules and regulations, immediately upon publication, shall have the force and effect of law, and violation of any of such rules and regulations shall constitute a misdemeanor, punishable as provided in Section 18 of this act.

Construction of act.

Section 20. **Construction.** Nothing herein shall be construed as applying to or including peanut butter, salad dressings, mayonnaise products, pharmaceutical preparations, oil meals, cleansing and flavoring compounds, liquid preservative and illuminating oils.

Severability of act.

Section 21. **Severability.** If any section, subdivision or sentence of this act is determined by a court of competent jurisdiction to be unconstitutional, it shall not affect the remaining portions of this act.

Repealing clause.

Section 22. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 23. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 139

An Act to Amend Section 5070, Revised Codes of Montana, 1935, as Amended by Chapter 18, Montana Session Laws, 1939, as Amended by Chapter 59, Montana Session Laws, 1941, as Amended by Chapter 153, Montana Session Laws, 1947, Relating to Limits Under Which Municipal Corporations May Contract for Work,

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or for Supplies, or for Material, Providing When Establishment for Bids Is Necessary, Advising the Period for Such Establishment, Establishing Limits for Such Contracts, Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5070 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5070 of the Revised Codes of Montana 1935, as amended by Chapter 18, Montana Session Laws, 1939, as amended by Chapter 59, Montana Session Laws, 1941, as amended by Chapter 153, Montana Session Laws, 1947, be amended to read as follows:

Contracts which must be let to lowest responsible bidder.

"Section 5070. All contracts for work, or for supplies, or for material, for which must be paid a sum exceeding one thousand dollars ($1,000.00), must be let to the lowest responsible bidder after advertisement for bids: provided that no contract shall be let extending over a period of three (3) years or more without first submitting the question to a vote of the taxpaying electors of said city or town. Such advertisement shall be made in the official newspaper of the city or town, if there be such official newspaper, and if not it shall be made in a daily newspaper of general circulation published in the city or town, if there be such, otherwise by posting in three (3) of the most public places in the city or town. Such advertisement if by publication in a newspaper shall be made twice, the first publication to be made not more than twenty-two (22) days nor less than fifteen (15) days before the consideration of bids and the second publication shall be made not less than five (5) days nor more than ten (10) days before the consideration of bids. If such advertisement is made by posting, fifteen (15) days must elapse, including the day of posting, between the time of the posting of such advertisement and the day set for considering bids. The council may postpone action as to any such contract until the next regular meeting after bids are received in response to such advertisement, may reject any and all bids and readvertise as herein provided.

Publication or posting of advertisement for bids.

In case of emergency.

The provisions of this section as to advertisement for bids shall not apply upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or any other similar emergency, but in such case the council may proceed in any manner which,

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in the judgment of three-fourths (¾) of the members of the council present at the meeting, duly recorded in the minutes of the proceedings of the council by aye and nay vote, will best meet the emergency and serve the public interest. Such emergency shall be declared and recorded as length in the minutes of the proceedings of the council at the time the vote thereon is taken and recorded.

Payment in installments.

When the amount to be paid under any such contract shall exceed one thousand dollars ($1,000.00) the council may provide for the payment of such amount in installments extending over a period of not more than three (3) years; provided that when such amount is extended over a term of two (2) years at least forty per centum (40%) thereof shall be paid the first year and the remainder the second year, and when such amount is extended over a term of three (3) years, at least one-third (⅓) thereof shall be paid each year; provided that at the time of entering into such contract, there shall be an unexpended balance of appropriation in the budget for the then current fiscal year available and sufficient to meet and take care of such portion of the contract price as is payable during the then current fiscal year, and the budget for each following year, in which any portion of such purchase price is to be paid, shall contain an appropriation for the purpose of paying the same.

Sale or exchange of old supplies or equipment.

Old supplies or equipment may be sold by the city or town to the highest responsible bidder, after calling for bid purchasers as herein set forth for bid sellers, and such city or town may trade in supplies or old equipment on new supplies or equipment at such bid price as will result in the lowest net price.

Purchases from government agencies.

Also a city or town may, without bid, when there are sufficient funds in the budget for supplies or equipment, purchase such supplies or equipment from government agencies available to cities or towns when the same can be purchased by such city or town at a substantial saving to such city or town.

Contracts excluded from act.

All necessary contracts for professional, technical, engineering and legal services are excluded from the provisions of this act.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 140

An Act to Amend Section 2815.63, Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 30, Laws of 1937, as Amended by Chapter 243, Laws of 1947, Relating to Fixing the Salaries of State Liquor Store Vendors, and Other Employees of State Liquor Stores, Which Shall be in Effect Until March 1, 1951, and Thereafter.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.63 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2815.63 of the Revised Codes of Montana, 1935, as amended by Section 1, Chapter 30, Montana Session Laws of 1937, as amended by Chapter 243, laws of 1947, be, and the same is hereby amended to read as follows:

Membership of Montana liquor control board.

"Section 2815.63. The 'Montana liquor control board' shall consist of three (3) members not more than two (2) of whom shall be the same political party to be appointed by the governor, with the advice and consent of the senate,

Qualifications.

and each of said members shall have been a resident of the State of Montana for a period of five (5) years and a citizen of the United States and of the State of Montana. Each member of the Montana liquor control board shall

Term of office.

hold office for a term of four (4) years and until his successor is appointed and qualified, provided, however, that in the appointment of the members of the first board to be appointed, under the terms of this act, one (1) of such members shall be appointed to hold office for a term of two (2) years, and two (2) of such members shall be appointed to hold office for a term of four (4) years; and provided,

Removal for cause.

further, that the members of said board may be removed from office at any time by the governor, for cause. The governor shall designate the term of service of each member first appointed, so that the term of one (1) shall end March 1, 1939, and the term of two (2) shall expire March 1, 1941. Each succeeding member shall hold his office for a term of four (4) years and until his successor shall be appointed and shall have qualified. Succeeding appointments, except

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when made to fill a vacancy, shall be made on or before the 31st day of January during the biennial session of the legislature, next preceding the commencement of the term for which the appointment is made; provided, that the governor shall nominate and transmit to the state senate the names of the first members of the said board, on or before the 3rd day of March, 1937. Each of the members of the Montana liquor control board shall receive, as compensation for his official services, the sum of ten dollars ($10.00) per diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, provided, however, that the maximum amount each member of commission shall receive for per diem shall not exceed one thousand dollars ($1,000.00) per annum, together with the traveling expenses while away from home in the performance of the duties of his office. The board shall hold its meetings at the city of Helena or at such other places as may be designated by the board. The board shall choose one (1) of its own members as chairman, and shall appoint a state liquor administrator, who shall not be a member of the board and who shall be ex officio the secretary of the board. The board may also, in its discretion, appoint an assistant state liquor administrator and other employees. Each member of the board shall take and file the constitutional oath of office before entering the performance of his duties, and he shall give bond conditioned for the faithful performance of his duties, in the sum of twenty-five thousand dollars ($25,000.00). A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall have the powers and duties herein specified and the administration of the state liquor control act of Montana and the Montana beer act, including the general control, management and supervision of all state liquor stores, but the board is authorized to delegate to the state liquor administrator the general control, management and supervision of all state liquor stores, including the power to purchase supplies for same and the power to hire and discharge employees of the board, subject, however, to such regulations and restrictions as the board may impose upon the state liquor administrator.

Compensation.

Meetings.

State liquor administrator.

Oath of office.

Bond.

Powers and duties of board.

Delegation of powers to administrator.

The board shall fix the following salaries of its employees at such sums as it deems advisable, to-wit: The salary of

Salaries of employees.

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the state liquor administrator in a sum not exceeding five thousand four hundred dollars ($5,400.00) per year; the salary of the assistant state liquor administrator in a sum not exceeding the sum of four thousand five hundred dollars ($4,500.00) per annum; the salary of the chief accountant not exceeding the sum of four thousand five hundred dollars ($4,500.00) per annum; the salary of a vendor of a 'class A' store in the sum not exceeding three thousand *nine hundred dollars ($3,900.00)* per annum; the salary of any other employee of a 'class A' store in a sum not exceeding the sum of *three thousand dollars ($3,000.00)* per annum; the salary of a vendor of a 'class B' store in a sum not exceeding *thirty-three hundred dollars ($3,300.00)*, per annum; the salary of any other employee of a 'class B' store in a sum not exceeding the sum of *twenty-seven* hundred dollars *($2,700.00)* per annum; the salary or compensation of a vendor of a 'class C' store in a sum not exceeding *three* thousand dollars *($3,000.00)* per annum; the salary of any other employee of a 'class C' store in a sum not exceeding the sum of twenty *five* hundred dollars *($2,500.00)* per annum; *in fixing the salaries of the vendors or store employees within the above limitations the board shall take into consideration the volume of business transacted by each of the stores in the same class so that the vendors and employees of the stores doing the largest business within the class will receive better compensation than vendors and employees in stores doing a lesser volume of business;* the salary of any other employee of the board, *except the chief inspector,* in a sum not exceeding the salary of the sum of three thousand six hundred dollars ($3,600.00) per year, *provided, however, that the salary of the chief inspector shall not exceed four thousand two hundred dollars ($4,200.00) per annum.* The volume of the individual sales shall be taken into consideration in fixing the salary of store vendors, assistant vendors and employees.

Salaries of vendors.

Assistant administrator.

The assistant state liquor administrator shall exercise such powers and perform such duties in the administration of the state liquor control act and Montana beer act as the board may prescribe."

Effective date.

Section 2. This act shall take effect from and after its passage and approval, and shall be in full force and effect until March 1, 1951, at which time the salaries as

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specified in Chapter 243, laws of 1947, shall be again in effect.

Approved March 1, 1949.

CHAPTER 141

An Act Authorizing the Governor of the State of Montana to Make Application to the Secretary of Agriculture of the United States to Return to the State of Montana, All Properties and Monies Transferred to the United States by the Montana Rural Rehabilitation Corporation, By That Certain Agreement Made and Entered Into April 30, 1937 By and Between Henry A. Wallace, as United States Secretary of Agriculture and W. J. Butler, as President of the Montana Rural Rehabilitation Corporation; Designating the State Treasurer of the State of Montana as the Officer to Whom the Transfer of the Trust Funds or Other Properties of the Montana Rural Rehabilitation Corporation Shall Be Made; Providing That the United States and the Secretary of Agriculture of the United States Are to Be Relieved of and Are Freed from Any and All Liabilities of Any Kind or Nature By Virtue of Any Transfer of Monies or Properties to the Treasurer of the State of Montana; Providing That All Monies Received By the State Treasurer Under the Provisions of This Act Be Deposited By Him in the Common School Fund of the State of Montana; Repealing All Acts and Parts of Acts In Conflict Herewith; and Providing for the Effective Date of the Act.

Preamble.

Whereas, on October 23, 1934, the Montana Rural Rehabilitation Corporation was incorporated under the laws of the State of Montana for the purpose of carrying on the rural rehabilitation program in the State of Montana from the proceeds of grants, loans, or other assistance received principally from the United States of America, made to it directly or made to the governor of the State of Montana for its use, and

Whereas, on April 30, 1937 the said Montana Rural Rehabilitation Corporation had on hand assets which according to the last trial balance, prepared by the farmers home administration, finance officer in Denver, Colorado, dated December 31, 1948, amounted to $692,359.34; and

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Preamble.

Whereas, by executive order No. 7027, issued April 30, 1935 by the president of the United States, under the emergency relief appropriation act of 1935, the resettlement administration of the United States was created and the functions of rural rehabilitation were transferred from the federal emergency relief administration to the resettlement administration; and

Whereas, by executive order No. 7530, issued December 31, 1936, by the president of the United States, the resettlement administration was transferred to the United States department of agriculture and is now being administered under the direction of the secretary of agriculture; and

Whereas, under the emergency relief appropriation acts of 1935 and 1936 federal funds could not be made available either to the corporation or the state for carrying on the activities of the corporation and such funds are available only for direct expenditure by the United States department of agriculture resettlement administration; and

Whereas, the twenty-fifth legislative assembly of the State of Montana, passed Chapter 195 of the laws of 1937; and

Whereas, on April 30, 1937, the said Montana Rural Rehabilitation Corporation, by its President W. J. Butler, entered into a written agreement with the United States of America, acting by and through Henry A. Wallace its secretary of agriculture whereby all monies and other properties of the Montana Rural Rehabilitation Corporation were transferred to the United States of America; and

Whereas, it is possible that the congress of the United States will pass legislation providing for the return to the State of Montana of the monies and properties so transferred to the United States of America by the Montana Rural Rehabilitation Corporation,

Now Therefore Be It Enacted By the Legislative Assembly of the State of Montana:

Application for return of moneys transferred by the state to the United States.

Section 1. That the governor of the State of Montana is hereby authorized to make an application to the secretary of agriculture of the United States for the return

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to the State of Montana of all monies and other assets transferred to the United States of America under and by virtue of that agreement made and entered into on or about April 30, 1937, by and between the United States of America acting through Henry A. Wallace, its secretary of agriculture and the Montana Rural Rehabilitation Corporation acting through W. J. Butler, its president.

State treasurer to receive money and execute agreement on behalf of state.

Section 2. That the state treasurer of the State of Montana is hereby designated as the officer to whom all monies or other properties shall be turned over under the provisions of this act, and said state treasurer is hereby authorized at the time he receives such monies or properties to execute an agreement binding upon the State of Montana, holding the United States of America and the secretary of agriculture of the United States of America, free from any and all liabilities by reason of the transfer of such money or property.

Disposition of money received.

Section 3. All money or other property received by the state treasurer under the provisions of this act shall be deposited by him in the state treasury to the credit of the common school fund of the State of Montana.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Severability of act.

Section 5. If any section, clause, sentence, paragraph, part or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section, clause, sentence, paragraph, part or provision, and the act as a whole shall not be declared invalid by reason of the fact that one or more sections, clauses, sentences, paragraphs, parts or provisions may be found invalid by any court.

Effective date.

Section 6. This act shall take effect upon its passage and approval.

Approved March 1, 1949.

CHAPTER 142

An Act Regulating the Issuance of Certificates for Teaching in the Public Schools of Montana; Defining Certain

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Terms Used in This Act; Enumerating the Classes and Kinds of Said Certificates, the Recording, Duration and Renewal Thereof, and Prescribing the Fees for the Issuance, Renewal or Extension Thereof; Regulating the Disposal of Such Fees and Repealing the Following Sections of the Revised Codes of Montana of 1935, Sections 944, 959, 1089, 1090, 1092, 1095, 1098, 1101, and 1102, All as Amended By Chapter 186 of the Session Laws of Montana of 1943, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State board of education, duty of to adopt rules.

Section 1. **The State Board of Education.** The state board of education shall prescribe and adopt rules and regulations for the issuance of all certificates for teaching in accordance with the methods and policies formulated and recommended by the state superintendent of public instruction for approval and adoption by such board.

Superintendent of public instruction to issue certificates for teachers.

Section 2. **State Superintendent of Public Instruction.** The state superintendent of public instruction shall issue all certificates for teachers in accordance with the rules and regulations approved and adopted by the state board of education.

Definition of "teacher."

Section 3. **Definition of Teacher.** The term "teacher", for purposes of certification, means and includes any person employed in a public school as a member of the instructional, supervisory, and administrative staff, such as classroom teacher, librarian, supervisor, principal and superintendent.

"Qualified teacher."

Section 4. **Definition of Qualified Teacher.** A "qualified teacher" is one who holds a valid certificate for teaching issued by the state superintendent of public instruction under the rules and regulations prescribed by the state board of education to perform the particular service for which employed in a public school.

Applicants trained in institutions other than units of University of Montana.

Section 5. **Applicants for Certificates of Teachers Trained in Institutions Other Than the Units of the University of Montana.** Wherever a certificate for teaching is authorized to be issued to any holder of a diploma or degree of a unit of the university of Montana, such certificate may also be issued by the state superintendent of

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public instruction, in accordance with the rules and regulations approved and adopted by the state board of education, to any holder of a diploma or degree of any accredited institution of equivalent rank and standing of this or any other state, granted by virtue of the completion of a course in teacher education essentially equivalent in content required by any of the units of the university of Montana.

Classes of certificates.

Section 6. **Classes of Certificates for Teaching.** The state superintendent of public instruction may issue the following classes of certificates for teaching in accordance with the rules and regulations approved and adopted by the state board of education:

1. Elementary school certificates.
2. Secondary school certificates.
3. Junior college certificates.
4. Administrative and supervisory certificates.
5. Vocational certificates.
6. Emergency certificates.

Section 7. **Kinds of Certificates for Teaching.**

Elementary school certificates.

1. The state superintendent of public instruction may issue the following kinds of elementary school certificates:

Standard certificates.

(a) Elementary school standard certificates. The elementary school standard certificate shall qualify the holder thereof to teach in any public elementary school of the state and shall be issued to any person who holds a diploma of one of the units of the university of Montana, showing that such holder has completed a two-year course in elementary education of such institution.

Advanced certificates.

(b) Elementary school advanced certificate. The elementary school advanced certificate shall qualify the holder thereof to teach in any public elementary school, or, when so designated on the certificate, in any public junior secondary school, or in the first three years of any public six-year secondary school, and shall be issued to any person who holds a degree of a unit of the university of Montana showing that the holder has completed a four-year course of elementary school education from such institution.

Special certificates.

(c) Elementary school special certificate. The elementary school special certificate shall qualify any holder thereof to teach kindergarten, fine arts, music, physical

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education or any other special subject or field for which special certification may be required in accordance with the rules and regulations approved and adopted by the state board of education, and such certificate shall be issued to any person who holds a diploma or degree of a unit of the university of Montana showing that the holder has completed the approved curriculum of such institution in any of the special subjects or fields which such special certificate is required.

Secondary school certificates.

2. The state superintendent of public instruction may issue the following kinds of secondary school certificates:

Standard general certificates.

(a) The secondary school standard general certificate. The secondary standard general certificate shall indicate the academic field or fields for which the holder has been prepared and shall qualify any holder thereof to teach in any public secondary school those academic subjects or related fields indicated on the certificate. The holder of such certificate shall also be qualified to teach in the seventh and eighth grades of any public elementary school. Such certificate shall be granted to any person who holds a degree from any unit of the university of Montana showing that the holder has completed a four-year course of secondary school education from such institution.

Standard special certificates.

(b) Secondary school standard special certificates. The secondary school standard special certificate shall qualify any person to teach in the special fields such as agriculture, home training, industrial arts, commercial subjects, physical education, music, fine arts, radio, television, or such other special fields as the needs of the schools may from time to time require, including service as school librarian and school nurse. The certificate shall show in which one or ones of the special fields the holder is authorized to teach and shall qualify him to teach in such special fields in any public high school or elementary school. Such certificate may also indicate other high school subjects or related fields in which the holder has had preparation equivalent to that required in the academic field and qualify him to teach the same. Such certificate shall be issued to any person holding the degree of a unit of the university of Montana, granted by virtue of the completion of its approved four-year course in the special field or fields for which the application for certification is made.

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Advanced certificates.

(c) Secondary advanced certificate. Any person who has the preparation and training entitling him to receive a secondary school standard general certificate or a high school standard special certificate and who, in addition, has completed one year of graduate work at any unit of the university of Montana of a kind and character approved by the state board of education, may be given a secondary school advanced certificate, either general or special, as may be appropriate to his preparation and training. Such secondary school advanced certificate shall qualify the holder thereof to teach the same subjects and in the same institutions in which the holder of a corresponding standard certificate is authorized to teach.

Junior college certificates.

3. Junior college certificates. The junior college certificates shall qualify the holder to teach in a junior college such subject or subjects or subject fields as specified in the certificate and shall be based on such education and experience as the state board of education in its approved and adopted rules and regulations may require.

Administrative and supervisory certificates.

4. Administrative and supervisory certificates. A person shall be qualified to be a superintendent of schools in any school district when he shall hold a certificate qualifying him to teach in the school or schools thereof, and in addition shall have such other qualifications with reference to special preparation and experience as the state board of education may from time to time prescribe.

Qualifications of principal or supervisor.

A person shall be qualified to be a principal or supervisor of or in any school when he shall hold a certificate qualifying him to teach in such school, and in addition shall have such other qualifications with reference to special training and experience as the state board of education may from time to time prescribe.

Certification of superintendent, principal or supervisor.

When any person shall establish his qualifications to be a superintendent, principal or supervisor, as aforesaid, in compliance with the rules and regulations prescribed by the state board of education, the state superintendent of public instruction may certify him as being qualified to be such superintendent, principal or supervisor, as the case may be. Contracts with principals, supervisors or superintendents shall not be valid unless such persons shall be qualified by holding the appropriate and required certificate.

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Vocational, recreational and adult education certificates.

5. Vocational, recreational, and adult education certificates. The state superintendent of public instruction shall have authority to issue special certificates to vocational, recreational, and adult education teachers who present such qualifications of training and experience as meet the requirements of the United States office of education or the special needs of the several vocational, recreational and adult education fields, and comply with the rules and regulations approved and adopted by the state board of education.

Emergency certificates.

6. Emergency certificates. When regularly certified teachers cannot be secured, the state superintendent of public instruction may, in accordance with the rules and regulations approved and adopted by the state board of education for such emergencies, issue emergency certificates to any person who has previously held a valid certificate or who meets the standards of preparation prescribed by the state board of education for and during such emergencies. Such emergency certificates shall indicate the grades or the subjects or fields in which the holder is authorized to teach. Emergency certificates shall be valid for one year and may be renewed only in accordance with the rules and regulations approved and adopted by the state board of education.

Outstanding certificates for teaching.

Section 7. **Outstanding Certificates for Teaching.** No provisions of this act shall affect or impair the validity of any certificate for teaching in force on May 1, 1949, or the rights and privileges of the holders by virtue thereof, save that any certificate may be suspended or revoked for any of the causes and by the procedures specified by law.

Recording of certificates.

Section 8. **Recording of Certificates.** No person shall be accounted a qualified teacher within the meaning of this act until such person has filed for record with the county superintendent of schools of the county where such person intends to teach, a certificate or certified copy thereof, authorizing such person to teach school in the state.

Duration and renewal.

Section 9. **Duration and Renewal of Certificates.** All certificates shall bear the date of the issue and, with the exception of emergency certificates which shall be valid for one year, shall expire after the first issue to any person two years from July 1 nearest such date of issue and may be renewed for periods of not more than five years upon

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satisfactory evidence to the superintendent of public instruction of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects or fields for which the certificate is valid. On less than one year's teaching experience, the certificate may be renewed for a period sufficient to enable the holder to meet the requirements for a regular renewal. Any person who applies for the issuance or renewal of a teacher's certificate and who possesses the training prescribed for the certificate, but who has not at any time during the five-year period immediately preceding, been employed in the type of teaching for which the certificate is valid, may be required to furnish evidence of appropriate preparation by attendance at an accredited teacher education institution for a period of preparation not to exceed twelve weeks.

Fees for certificates for teaching.

Section 10. **Fees for Certificates for Teaching.** For the issuance, renewal or extension of a certificate to teach, each applicant for such certificate shall pay a fee of one dollar ($1.00) for each year that the certificate is in force. Such fee shall be paid to the state superintendent of public instruction, who shall deposit such fees with the state treasurer and report each month to the state auditor the amount of fees collected. The state auditor shall credit all such fees to the division of certification of the state department of public instruction.

Repealing clause.

Section 11. Sections 944, 959, 1089, 1090, 1092, 1095, 1098, 1101 and 1102 of the Revised Codes of Montana of 1935, all as amended by Chapter 186 of the Session Laws of Montana of 1943, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1949.

CHAPTER 143

An Act Preventing the Selling or Giving Away of Intoxicating Liquor to Persons Under Twenty-one (21) Years of Age; Providing Penalties Therefor; and Repealing Section 11048.1 as Amended by Chapter 124 of the Laws of the Twenty-seventh Legislative Assembly of the State of Montana, 1941, and All Other Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Penalty for giving or selling intoxicating liquor to persons under the age of 21 years.

Section 1. Any person who shall sell, give away or dispose of intoxicating liquor to any persons under the age of twenty-one (21) years, shall for the first offense be subject to punishment not exceeding five hundred dollars ($500.00) fine or by imprisonment not to exceed six (6) months in the county jail, or both such fine and imprisonment, and upon conviction for the second and subsequent offenses he shall be subject to punishment by fine of not less than five hundred dollars ($500.00) nor more than two thousand dollars ($2,000.00) or by imprisonment in the state penitentiary for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

Exception in case of physician's prescription.

Nothing herein contained shall prevent the furnishing of intoxicating liquor to a person under twenty-one (21) years of age upon any physician's prescription where authorized by the laws of this state or the United States, nor the furnishing of wine for sacramental purposes.

Jurisdiction.

Section 2. In cases of prosecution for first offenses under this act, the justice courts and district courts of the State of Montana shall have concurrent original jurisdiction. In all other cases the district courts of the State of Montana shall have exclusive original jurisdiction for violation of the provisions of this act.

Repealing clause.

Section 3. Section 11048.1 as amended by Chapter 124 of the laws of the twenty-seventh legislative assembly of the State of Montana, 1941, and all other acts or parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1949.

CHAPTER 144

An Act to Amend Section 4465.21, Revised Codes of Montana of 1935, Providing for an Annual Inventory of County Property and Written Agreements on Loaning or Leasing of County Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4465.21 R. C. Mont. 1935 amended.

Section 1. That Section 4465.21, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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"Section 4465.21. **Representing and Management of County Property and Business.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To represent the county, and have the care of the county property, and the management of the business and concerns of the county in all cases where no other provision is made by law. *It shall be their duty to prepare and file with the county clerk and recorder an annual inventory covering all county tools, machinery and equipment. Provided further that whenever such tools, machinery or equipment are loaned or leased to private individuals, firms, associations, organizations or corporations that they shall execute a written agreement stating the purpose of such loan or lease, the compensation to be paid the county, and that such tools, machinery and equipment will be returned in good condition.*"

Representing county and managing business of county.

Annual inventory of county equipment.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Approved March 1, 1949.

CHAPTER 145

An Act to Amend Section 1830.1, Revised Codes of Montana, 1935, Relating to Classification and Reservation of State Owned Lands as State Forests, by Providing That Any Lands, Interests in Lands, Buildings, or Other Property Owned by the State Within Glacier National Park, May Be Conveyed to the United States at an Appraised Value, Without Competition, in Accordance With Consent of the United States as Expressed in Public Law 446, Approved March 16, 1948, Repealing All Acts and Parts of Acts in Conflict Herewith, Providing for the Method of Appraisal, and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1830.1, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 1830.1 R. C. Mont. 1935 amended.

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Classification of lands as state forests.

"1830.1. **Classification of Lands as State Forests.** That all lands at present owned by the State of Montana, and all that may hereafter be acquired by the state through escheat, exchange, purchase, grant or devise, which are principally valuable for the timber that is on them, or for the growing of timber or for watershed protection, are hereby classified and designated 'state forests', and reserved for forest production and watershed protection;

Lands and property of state, within Glacier National Park.

provided, however, that any lands, interests in lands, buildings, or other property, owned by the State of Montana within the boundaries of Glacier national park may be conveyed to the United States at an appraised value without competition, in accordance with the consent of the United States as expressed in public law 446, approved March 16, 1948; and, provided, further, that such appraised value shall be determined by the state forester and be subject to the approval or disapproval of the state board of land commissioners."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 146

An Act to Amend Section 1262.81 and Section 1263.8, Revised Codes of Montana as Amended by Chapter 217, Session Laws of the Twenty-sixth Legislative Assembly, 1939, and as Amended by Chapter 219, Session Laws of the Twenty-eighth Legislative Assembly, 1943, All Relating to Attendance of High School Pupils at High Schools Outside of the Counties of Their Residence, the Transfer of Appropriations and Budgeting for Such Pupils.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1262.81 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 1262.81, Revised Codes of Montana, 1935, as amended by Chapter 217 of the Session Laws of the twenty-sixth legislative assembly, 1939, and as amended by Chapter 219, Session Laws of the twenty-eighth

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legislative assembly, 1943, be, and the same is hereby amended to read as follows:

"Section 1262.81. **Attendance Outside of County of Pupils' Residence — Transfer of Apportionments.** The attendance of any eligible high school pupil at an accredited high school outside of the county of his residence, either within or without the state, must be authorized by the county superintendent of schools of the county of his residence. When a pupil lives more than three (3) miles from the nearest high school in the county of his residence, and more than one and one-half (1½) miles from an established bus route operated by such high school, and closer to a high school of an adjoining county than to any high school located in the county of his residence, and when proper application has been made to the county superintendent of schools, not later than October 15th, by the parent or guardian of the pupil for whom such transfer is desired; provided further, that the county superintendent of schools may at his discretion require a pupil obtaining such transfer to attend the high school nearest his residence. Attendance outside of county of pupils' residence.

In all other cases the county superintendent of schools may authorize at his discretion any eligible pupil to attend a high school in a county outside of his residence.

No payment shall be made for attendance in another state except where such attendance is in a high school in a county adjacent to the county of the student's residence. Attendance in another state.

After the budget for high school pupils authorized to attend high schools outside of the counties in which they reside has been adopted by the county superintendent of schools, as provided in Section 1263.8, as amended, the county superintendent of schools of the county in which such high school pupils reside, shall immediately give to the county treasurer written notice setting forth the names of all high school pupils authorized, on or before July 15th, to attend high schools outside of the county, with the name of the high school and the county in which situated which each such pupil has been authorized to attend, with the amount appropriated in the budget for each such pupil; and shall likewise not later than October 20th, give to the county treasurer written notice setting forth the names of all high school pupils authorized between July 15th and October 15th, to attend high schools outside of the county Duty of superintendent of county in which such high school pupils reside.

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with the name of the high school and the county in which situated which each such pupil has been authorized to attend. It shall be the duty of the superintendent or principal of each high school, which any pupil residing in another county has been authorized to attend, to give written notice to the county treasurer of the county in which the pupil resides, between the 25th and 30th days of November, of the number of days such pupil has attended such high school during the then current school year and prior to November 25th, and shall also, immediately after the close of such high school in such current school year, give written notice to such county treasurer of the total number of days such pupil has attended such high school during such school year.

Transfer of funds.

The county treasurer shall, in the month of December, in each school year, and immediately after the amount deducted from the high school tax levy fund has been placed in the high school transfer fund, as provided in Section 1263.11, as amended, transmit to the county treasurer of each county in which any such high school pupil has been authorized to attend high school, the following amounts:

Amounts to be transmitted.

1. For each pupil authorized, between July 15th and October 15th, in the immediately preceding school year, to attend a high school outside of the county of the pupil's residence, and who actually attended such high school for forty (40) days or more during such immediately preceding school year, one-half (½) of *such an amount as will equal the maximum allowed in Section 1263.5 as amended, for the school attended.*

2. For each pupil authorized, on or before July 15th of the then current school year, to attend high school outside of the county of such pupil's residence, or a pupil of the state orphan's home attending Twin Bridges high school in Madison county, during such school year, and who has actually attended such high school for forty (40) days or more during the then current school year, one-half (½) of *such an amount as will equal the maximum allowed in Section 1263.5 as amended, for the school attended.*

The county treasurer shall, in the month of June, in each school year, and immediately after the amount deducted from the high school tax levy fund has been placed in the high school transfer fund, as provided in Section 1263.11,

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as amended, transmit to the county treasurer of each county in which any such high school pupil has been authorized to attend high school, the following amounts:

Amounts to be transmitted.

1. For each pupil authorized, between July 15th and October 15th, in the immediately preceding school year, to attend a high school outside of the county of the pupil's residence, and who actually attended such high school for forty (40) days or more during such immediately preceding school year, such an amount as will, with the amount transmitted to such county treasurer in the month of December immediately preceding make up a total amount equal to *the maximum allowed by Section 1263.5 for the school attended.*

2. For each pupil authorized, on or before July 15th of the current school year, to attend a high school outside of the county of the pupil's residence during such school year, and who has actually attended such high school for forty (40) days or more during the then current school year, such an amount as will, with the amount transmitted to such county treasurer in the month of December immediately preceding, make up a total amount equal to *the maximum allowed by Section 1263.5 for the school attended.*

Moneys to be transmitted to state treasurer.

Whenever any such eligible high school pupil is an inmate of the vocational school for girls, the state industrial school for boys or the state training school for the deaf and blind, it shall be the duty of the superintendent, or officer in charge of such institution to make out and transmit to the county treasurer of the county of the pupil's residence, attendance statements similar to those required to be made by high school principals or superintendents to county treasurers by this section and within the time specified herein, and in all such cases the county treasurer of the county of the pupil's residence shall transmit the amount to be paid on account of such pupil direct to the state treasurer who shall deposit all such amounts received to the credit of the state general fund."

Sec. 1263.8 R. C. Mont. 1935, as amended, further amended.

Section 2. That Section 1263.8, Revised Codes of Montana, 1935, as amended by Chapter 217 of the Session Laws of the twenty-sixth legislative assembly, 1939, and as amended by Chapter 219, Session Laws of the twenty-eighth legislative assembly, 1943, be, and the same is hereby amended to read as follows:

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*Budgeting for students attending schools outside of county or placed in state institutions.

"Section 1263.8. **Budgeting for Students Attending High Schools Outside of County or Placed in State Institutions.** Each County Superintendent of Schools shall, immediately following the third Monday in July of each year, prepare a budget for high school pupils who were authorized, after July 15th of the immediately preceding school year, in accordance with the provisions of Section 1262.81, as amended, to attend, during such immediately preceding school year, high schools outside of the county of their residence or who became inmates of state institutions after such date and for high school pupils who were authorized, not later than July 15th, of the current school year, in accordance with the provisions of Section 1262.81, as amended, to attend, during such current school year, high schools outside of the county of their residence, or who became inmates of state institutions before such date.

Amount to be budgeted.

The amount to be budgeted for each high school pupil so authorized, after July 15th of the immediately preceding school year, to attend a high school during such school year outside of the county of his residence, or became an inmate of a state institution after such date shall be fixed and determined by allowing *one-half (½) of such an amount as will equal the maximum allowed in Section 1263.5 as amended, for the school attended;* provided, that no amount whatever shall be budgeted for any such pupil who failed to attend high school during such year for at least forty (40) days.

The amount to be budgeted for each high school pupil so authorized, on or before July 15th of the current school year, to attend a high school, during such current school year, outside of the county of the pupil's residence, or was an inmate of a state institution on such date, shall be fixed and determined by allowing *one-half (½) of such an amount as will equal the maximum allowed in Section 1263.5 as amended, for the school attended.*

If, after the June apportionment and after all payments required to be made from the high school transfer fund during such month have been fully paid, there remains any cash balance in such fund such cash balance shall be deducted from the total amount of the budget for such high school transfer pupils, and the amount remaining after making such deduction shall be the amount for such high school transfer pupils which is to be included in the amount

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to be raised for the high school tax levy fund by the county wide high school tax levy.

Notice to be given by superintendent of county of student's residence.

Immediately after such budget has been prepared the county superintendent of schools preparing the same shall give written notice to the county superintendent of schools of each county in which any high school student was authorized to attend a high school after July 15th of the immediately preceding school year, and in which any high school student has been, on or before July 15th of the current school year, authorized to attend a high school, in accordance with the provisions of said Section 1262.81, as amended, which notice shall contain the name of each such student, the high school the student attended during the immediately preceding school year, or the high school the student has been authorized to attend during the current school year and the amount budgeted for each such student under the provisions of this section. Each county superintendent receiving any such notice shall, at the time of laying the preliminary high school budgets before the board of school budget supervisors of the county, also lay before the board all such notices received by such county superintendent. The board of school budget supervisors, when adopting and approving the final budget of a high school which any such student from outside of the county has been authorized to attend, as shown by such notice or notices, shall add to Section II, Part I of such budget an appropriation for such pupils from outside the county in such amounts as said notice or notices shows will be paid over to and received by such high school during the then current school year, and shall also add to Section XI, Part II of such budget an additional item of estimated receipts showing the amount which it is estimated such high school will receive during the year for the students named in such notice or notices. The amount received or to be received during any year by any high school in payment for students from outside of the county attending such high school shall not be taken into account nor included nor considered in any manner whatever for the purpose of determining the maximum budget which the high school may adopt under Section 1263.5, as amended."

Duty of county superintendent.

Repealing clause.

Section 3. That Section 1262.82, Revised Codes of Montana, 1935, be, and the same is hereby repealed.

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Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1949.

CHAPTER 147

An Act to Amend Section 6548, Revised Codes of Montana, 1935, Relating to the Handling and Disposal of Carcasses and Hides of Animals Killed by Any Corporation, Association, Company, Person, or Persons; by Providing How Such Corporations, Associations, Companies, or Persons May Dispose of Such Carcasses and Hides to Any Licensed Rendering Plant or Renderer, If the Owner Shall Not Claim the Same; Providing for Notification to Owner, If Ownership Is Ascertainable; Providing for Inspection of Such Hides and Manner of Disposal Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6548 R. C. Mont. 1935 amended.

Section 1. That Section 6548, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Carcass and hide of animal.

"Section 6548. **Carcass and Hide of Animal.** In all cases where any corporation, association, company, person, or persons shall kill, or shall injure any animal to such extent that it is necessary to kill the same, as provided in this chapter, they are hereby required and compelled to skin the same, and shall preserve the whole of said hide, or so much thereof as can be preserved, including the head and ears, and shall be entitled to the carcass and hide thereof, unless the owner or owners thereof shall claim the same, in which event the amount of the value thereof shall be deducted from the amount of damages which would otherwise be due. But, in case such corporation, association, company, person, or persons so entitled thereto, shall take said carcass and hide, they shall skin such animal or animals, as herein provided, and shall deposit the hide thereof at the station designated on their line, such station to be designated by the secretary of the state livestock commission, during the space of sixty *(60)* days, for the inspection

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of persons claiming to be interested therein, and in the event no person shall claim any such animal, then before such corporation, association, company, person, or persons shall dispose of such hide, they shall notify the stock inspector of the district within which the animal was killed, who shall inspect such hide for marks and brands, and receive from such stock inspector his authority, in writing, to dispose of such hide; and it shall be the duty of the stock inspector to notify any and all owners of such stock, if known or ascertainable from said inspection, of the death of such animal, and if the owner is unknown, the stock inspector shall notify the secretary of the stock commission of the death of such animal or animals; *provided, however, that such corporation, association, company, person, or persons may dispose of the whole of said animal, including the carcass and hide, to any licensed rendering plant or licensed renderer in the state, if the owner or owners shall not claim the same. Upon receiving such animal, the licensed rendering plant or licensed renderer shall skin said animal, and shall preserve the whole of said hide, or so much thereof as can be preserved, including the hide of head and ears, and such hide shall be stored separate and apart from hides received from other sources. Within five (5) days after receipt of such hide, such licensed rendering plant or licensed renderer shall notify the state livestock inspector of possession of such hide. Said state livestock inspector shall make an inspection thereof within ten (10) days after being so notified, and it shall be his duty to, and he shall immediately, notify the owner thereof, if ownership be ascertainable, of the death of such animal. If the owner is unknown, the stock inspector shall notify the secretary of the livestock commission of the death of such animal. If no person shall claim the hide of such animal within thirty (30) days after notice given to the state livestock inspector by such licensed renderer or licensed rendering plant, said state livestock inspector shall give written authorization to such licensed rendering plant or licensed renderer to dispose of such hide. Before making disposition thereof under such written authorization, such licensed rendering plant or licensed renderer shall obtain the consent of the corporation, association, company, person, or persons from which such animal was received.*"

Disposal of animal, carcass and hide to licensed rendering plant.

Notice to livestock inspector.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1949.

CHAPTER 148

An Act Providing for Licensing of Rendering or Disposal Plants; Revocation of Such Licenses by the Livestock Sanitary Board or by the State Veterinary Surgeon; a Method of Appeal by the Licensee from Such Revocation; Hearing by the District Court; Payment of Such License Fees Into the General Fund of the State of Montana; Promulgation by the Livestock Sanitary Board of Reasonable Rules and Regulations and Orders and the Scope Thereof; Providing for Restraint of the Operation of Any Rendering or Disposal Plant by the Livestock Sanitary Board or Its Agent, With Notice, Except Where a Menace to Public Health Requires Immediate and Summary Abatement; Providing a Method of Appeal by the Licensee from Such Restraining Order; Hearing by the District Court; Providing a Penalty, and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith, and for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Licensing of rendering or disposal plants.

Section 1. **Licensing of Rendering or Disposal Plants.** It shall be unlawful for the following class of business to operate within the State of Montana without first securing a license from the livestock sanitary board, to-wit:

All rendering or disposal plants or establishments that are intended to be operated for the disposal of the bodies or parts of bodies of animals or fowl in any manner whatsoever, except for human consumption.

Fee.

The license herein provided shall expire on the last day of December of the current year in which it is issued. A license fee of five dollars ($5.00) shall be charged for all licenses issued under the provisions of this act.

All license fees collected shall be paid into the general fund of the State of Montana.

Section 2. **Power and Authority of the Livestock Sani-**

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tary Board to Promulgate and Enforce Reasonable Rules and Regulations. The livestock sanitary board is hereby authorized and empowered to promulgate and enforce such reasonable rules, regulations or orders as said board may deem necessary or proper for the supervision, control and inspection of rendering or disposal plants or establishments, their standards and methods of operation and their sanitary conditions, and for the supervision, control and inspection of any and all equipment thereof, where said rendering or disposal plants or establishments are intended to be operated for the disposal of bodies, or parts of bodies, of dead animals or fowl in any manner whatsoever, except for human consumption. All vehicles, and all equipment appertaining thereto, used for the transportation of such bodies, or parts of bodies, shall be subject to such rules, regulations or orders, or parts thereof, promulgated by the livestock sanitary board, as are applicable thereto. Provided, however, that nothing in this act shall be construed to apply to the slaughtering and handling of animals or fowl for human consumption.

Power and authority of the livestock sanitary board to promulgate and enforce rules and regulations.

Section 3. **Power of Sanitary Board to Restrain Operation of Rendering Plant.** The livestock sanitary board or its agent is hereby authorized and empowered to restrain the operation of any rendering or disposal plant or establishment engaged in the collection or handling of the bodies, or parts of bodies, of dead animals or fowl, where such operation is carried on in violation of the laws of Montana, or the rules, regulations or orders of the livestock sanitary board, after a hearing held on five (5) days' written notice of such hearing to the licensee. Provided, however, such restraining order may be issued without notice of hearing where, in the discretion of the livestock sanitary board or its agent, the violation constitutes a menace to public health requiring immediate and summary abatement. Such licensee shall have the right of appeal to the district court, upon giving written notice of appeal to the restraining authority within ten (10) days after service of the restraining order, whether such order be made upon hearing or summarily. Such written notice of appeal shall not stay execution of the restraining order when such restraining order is issued without hearing to restrain a menace to public health requiring immediate and summary abatement. Where the restraining order is issued after hearing, the hearing before the district court shall be upon the record, together with

Power of board to restrain operation of rendering plant.

Right of licensee to appeal.

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any other or additional evidence which may be adduced. Where the order is issued without hearing, the hearing before the district court shall be upon evidence adduced thereat. Where the appeal is from an order issued after hearing, appellant shall pay the costs of the transcript, which must be filed not more than thirty (30) days from the date of filing notice of appeal, provided, however, the court may extend the time for filing the transcript in its discretion.

Power of livestock sanitary board to revoke license of rendering plant.

Section 4. **Power of Livestock Sanitary Board to Revoke License of Rendering Plant.** Such licenses to operate rendering or disposal plants may be revoked at any time by the livestock sanitary board or the state veterinary surgeon when they, or he, shall determine that a person to whom the license is issued has failed to comply with any statute of the State of Montana, or any rules, regulations or orders of the livestock sanitary board, and upon hearing before the revoking authority, after ten (10) days' written notice. Such licensee shall have the right of appeal to the district court, upon giving written notice of appeal to the revoking authority within ten (10) days after service of the order of the revoking authority. Service and filing of such notice of appeal shall stay execution of the order. The hearing before the district court shall be upon the record together with any other or additional evidence which may be adduced. Appellant shall pay the costs of the transcript, which must be filed not more than thirty (30) days from the date of filing notice of appeal, provided, however, the court may extend the time for filing the transcript, in its discretion.

Notice and hearing

Appeal.

Power to administer oaths, subpoena witnesses and receive evidence.

Section 5. **Power to Administer Oaths, Subpoena Witnesses, and Receive Evidence.** Hearings held under this act, for either revocation of licenses or to restrain operation, shall be held by the livestock sanitary board or its duly authorized agent; and the livestock sanitary board or its agent is hereby authorized to administer oaths, subpoena witnesses, and receive evidence in order to carry out the provisions of this act.

Penalty for violation.

Section 6. **Penalty for Violation.** Operation of a rendering or disposal plant or establishment without a license from the livestock sanitary board, or operation of a rendering or disposal plant or establishment in violation of a restraining order or after revocation of license shall con-

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stitute a misdemeanor, punishable by a fine of not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00) for each day of such operation.

Repealing clause.

Section 7. **Repealing Section.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 8. **Effective Date.** This act shall be in full force and effect on and after the first day of July, 1949.

Approved March 1, 1949.

CHAPTER 149

An Act to Amend Section 8275, Revised Codes of Montana, 1935, Relating to Interests in Personal Property Which May Be Mortgaged, and to Debts Which May Be Secured by Mortgage of Interests in Personal Property, and Authorizing Mortgages to Secure Future Advances, and Establishing the Priority of the Lien for the Amounts of Future Advances, and Providing That the Mortgagee Shall Furnish a Statement of Advances and Amounts Paid upon Demand of Mortgagor or Creditor.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 8275 R. C. Mont. 1935 amended.

Section 1. That Section 8275, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Chattel mortgages — interest which may be mortgaged.

"Section 8275. Any interest in personal property which is capable of being transferred may be mortgaged. Such property or interest may be mortgaged to secure existing debts, to secure debts created simultaneously with the execution of the mortgage, and to secure advances then in contemplation but to be made in the future. The total amount of all *future* advances contemplated and to be subject to mortgage protection must be stated in the mortgage, *provided the mortgagee may reserve the right, at the mortgagee's option, to refuse to make all or any part thereof. The lien for said stated amount of said future advances shall have priority to the same extent as if the amount thereof had been actually advanced by the mortgagee to the mortgagor at the time of the execution of the mortgage.* The mortgagee shall, upon demand of the mortgagor or a creditor, furnish a statement of all such advances and

Amount of debt and contemplated advances must be stated.

Lien.

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amounts paid on the principal sum secured, provided such statement shall not impair or affect the lien created for all advances. *Upon receipt of such statement, or at any other time following the execution and delivery of the mortgage, the mortgagor may deliver written notice, duly acknowledged, to the mortgagee plainly stating that the mortgagor does not desire to request or apply for any future advances if none have been allowed, or for any further advances if additional advances have in fact been theretofore allowed under the mortgage, clearly identifying the mortgage by reference to its date, the parties thereto and the principal amount of the original indebtedness and the limit placed on contemplated future advances, if allowed. Upon the filing of such written notice by the mortgagor in the county and counties where the mortgage is filed, the lien of the mortgage shall continue to have priority, but only for the aggregate amount of the indebtedness then existing, including any advances theretofore made, interest due and other charges as evidenced by the original loan-contract, and indebtedness thereafter accumulating on such basis, exclusive of any other future advances originally contemplated. Any lien entitled to actual priority over the lien of mortgage by force of any express provision of the laws of this state shall continue to have priority to the extent prescribed by law.*"

Future advances provided for, procedures for eliminating from lien of mortgage.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 150

An Act to Amend Section 8262, Revised Codes of Montana, 1935, Relating to Interests in Real Property Which May Be Mortgaged, and to Debts Which May Be Secured by Mortgage of Interests in Real Property, and Authorizing Mortgages to Secure Future Advances, and Establishing the Priority of the Lien for the Amounts of Future Advances, and Providing That the Mortgagee Shall Furnish a Statement of Advances and Amounts Paid Upon Demand of Mortgagor or Creditor.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8262, Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows:

Sec. 8262 R. C. Mont. 1935 amended.

"Section 8262. Any interest in real property which is capable of being transferred may be mortgaged. *Such property or interest may be mortgaged to secure existing debts, to secure debts created simultaneously with the execution of the mortgage, and to secure advances then in contemplation but to be made in the future. The total amount of all future advances contemplated and to be subject to mortgage protection must be stated in the mortgage, provided the mortgagee may reserve the right, at the mortgagee's option, to refuse to make all or any part thereof. The lien for said stated amount of said future advances shall have priority to the same extent as if the amount thereof had been actually advanced by the mortgagee to the mortgagor at the time of the execution of the mortgage. The mortgagee shall, upon demand of the mortgagor or a creditor, furnish a statement of all such advances and amounts paid on the principal sum secured, provided such statement shall not impair or affect the lien created for all advances. Upon receipt of such statement, or at any other time following the execution and delivery of the mortgage, the mortgagor may deliver written notice, duly acknowledged, to the mortgagee plainly stating that the mortgagor does not desire to request or apply for any future advances if none have been allowed, or for any further advances if additional advances have in fact been theretofore allowed under the mortgage, clearly identifying the mortgage by reference to its date, the parties thereto and the principal amount of the original indebtedness and the limit placed on contemplated future advances, if allowed. Upon the recording of such written notice by the mortgagor in the county and counties where the mortgage is recorded, the lien of the mortgage shall continue to have priority, but only for the aggregate amount of the indebtedness then existing, including any advances theretofore made, interest due and other charges as evidenced by the original loan-contract, and indebtedness thereafter accumulating on such basis, exclusive of any other future advances originally contemplated. Any lien entitled to actual priority over the lien of mortgage by force of any express pro-*

Interest in real property may be mortgaged.

Amount of debt and contemplated advances must be stated.

Lien.

Future advances provided for in mortgage, procedure for eliminating from lien of mortgage.

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vision of the laws of this state shall continue to have priority to the extent prescribed by law."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 151

An Act to Amend Section 30. Chapter 172 of the Session Laws of Montana, 1939, Relating to Electric Cooperative, Non-profit, Membership Corporations Organized to Engage in Rural Electrification.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 30, Ch. 172 laws of 1939 amended.

Section 1. That Section 30, Chapter 172 of the Session Laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Definitions.

"Section 30. **Definitions.** In this act, unless the context otherwise requires:

"Rural area."

(a) "Rural area" means any area not included within the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of *thirty-five hundred (3500) persons at the time of the passage and approval of Chapter 172, Session Laws of Montana, 1939, or subsequent thereto.*

"Person."

(b) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof or any body politic; and

"Member."

(c) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

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CHAPTER 152

An Act to Amend Section 3654 of the Revised Codes of Montana, 1935, Relating to Compensation of Montana Fish and Game Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3654 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3654. **Compensation of Commissioners.** The members of the commission shall receive no compensation for their services as members thereof, except a per diem of *fifteen dollars ($15.00) for the period of time commencing on passage and approval of this act, and continuing until July 1, 1951, and not more than ten dollars ($10.00) per diem thereafter,* for each member for every day in actual attendance at the meetings of said commission or in the execution of their duties as members of said commission; provided, however, that in no instance shall any member of said commission receive as said per diem a sum in excess of *six hundred dollars ($600.00)* in any one (1) year *for the period of time commencing on passage and approval of this act, and continuing until July 1, 1951, and not to exceed four hundred dollars ($400.00) in any one (1) year thereafter,* and the members of said commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said commission, which shall be paid from the fish and game fund of the state, upon presentation of proper vouchers therefor."

Compensation of commissioners.

Traveling expenses.

Section 2. This act shall be deemed and held valid notwithstanding the provisions of the budget act.

Budget act not applicable.

Section 3. This act shall be in full force and effect upon its passage and approval.

Effective date.

Approved March 2, 1949.

CHAPTER 153

An Act to Separate the State Law Library from the State Library of Montana and to Establish the State Law Li-

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brary of the State of Montana as a Separate Library Under the Control of a Board of Seven (7) Trustees of Which the Chief Justice, the Associate Justices, the Secretary of State and the State Auditor Shall Be the Members; Prescribing the Powers and Duties of Said Board; Providing for the Appointment of a Librarian and Assistant Librarian; Prescribing the Duties of Such Librarians, Including the Duty of Indexing the Laws and Resolutions of the Legislative Assembly and the Duty of Preparing the Volume of the Session Laws at the Termination of Each Succeeding Session of the Assembly, and Providing for the Administration of the State Law Library and the Use of Books Borrowed Therefrom, and Establishing the State Law Library Fund for the Library and for the Administration and Functioning of the Library, and for the Compensation of the Librarian and Assistant Librarian, and for Expenses of Operation, and Continuing the Legislative Reference Bureau in the State Law Library, and Repealing Sections 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556 as Amended by Chapter 112, Session Laws of 1943, *and Sections*, 1557, 1558, 1559, 1565, 1567, 1569 as Amended by Chapter 38, Session Laws of 1939, Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

State law library.

Section 1. The library heretofore known as a department of the state library of Montana and called "the law library", shall become a separate and distinct library designated the "state law library of the State of Montana". The collections of laws, decisions of courts, law reports, text books, legal periodicals and miscellaneous books and journals together with pamphlets, papers, maps, charts and manuscripts now in the law library in the capitol building or belonging to such law library, or hereafter acquired by or donated to the law library, shall constitute the library hereby established, and the title to all of the property constituting the same, now or hereafter, shall be in the State of Montana, subject to the custody and control of the library board established herein.

Location and control.

Section 2. The state law library of the State of Montana shall be located in the capitol building at Helena, Montana, and shall be in the immediate custody and subject

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to the control of a board of seven (7) trustees, consisting of the chief justice and the associate justices of the supreme court of the State of Montana, the secretary of state and the state auditor. The members of the board shall serve as such members without compensation and their terms shall be identical with the term of office of the chief justice and of the several associate justices from time to time.

Board of trustees.

Section 3. The powers and duties of said board are as follows:

Powers and duties of board.

(1) To make rules and regulations, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library shall be open to the public, and the office hours of the library.

Rules and regulations.

(2) To appoint a librarian and prescribe the duties of such librarian, when not otherwise provided for by law.

(3) To sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund.

(4) To see that the books and other properties of the library are maintained in good order and repair, and are protected from theft or injury.

(5) To draw from the state treasury at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals and other works and properties therefore, including complete sets of statutory laws and codified laws of the United States of America and of the several states of the union, and other jurisdictions, any moneys in the fund and available for such purposes.

To draw from state treasury.

(6) To report to the governor, biennially, a statement of all important transactions of the board, and of the operations of the library, with suggestions and recommendations as to what the board deems necessary for the increased utility and efficiency of the library.

Biennial report to governor.

(7) To establish such lawful relations and working arrangements with the library of congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States, as may be for the benefit and advantage of the state law library

Relations with library of congress, copyright office and superintendent of public documents of United States.

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and promote the acquisition of books and other works from such sources as may be useful to those resorting to the facilities of the state law library.

Term of office of librarian.

Section 4. The librarian appointed by the board shall hold office for the term of two (2) years, unless sooner removed by a majority vote of the trustees. The librarian must execute an official bond, in the sum of one thousand dollars ($1,000.00), to be approved by the chief justice, and deposited with the secretary of state.

Bond.

Duty of librarian.

Section 5. It shall be the duty of the librarian,

(1) to be in attendance at the library during office hours,

Purchases.

(2) to purchase, under the direction of the board of trustees, all compilations of statutory laws, reports of decisions of courts of last resort, or intermediate courts, in the several states of the union, the national reporters' series, and all encyclopedias, digests, text books and miscellaneous books, maps, charts, legal periodicals and a complete collection of all of the laws of the territory of Montana, the State of Montana, furniture, fixtures, and supplies,

(3) to number and stamp all books, digests, encyclopedias, printed works, maps, papers and pamphlets belonging to the library, for their ready and accurate identification and to keep a complete catalogue thereof in accordance with catalogue systems approved for law libraries,

(4) to have well and properly bound all books, and also, all pamphlets and papers when directed thereto by the trustees,

(5) to keep a register of all books and property belonging to the library, the additions made each year, and the cost thereof,

(6) to keep a register of all books or other property taken from the library under the authority of the trustees,

System of exchange of books.

(7) to establish and maintain a system of domestic and foreign exchange of books, maps, or other publications which are properly the subject of collections for a state law library, and to obtain from the secretary of state and other state departments, boards, bureaus, commissions and agencies upon request, such numbers of all state publications as may be needed to supply the demands of the system established.

State publications.

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Use of library.

(8) The state law library shall be maintained and operated for the use of the members of the supreme court, the members of the legislative assembly while in session as such and the several officers of the senate and of the house of representatives, for state officers and employees, for members of the bar of the supreme court of Montana, for members of the bar of supreme courts of other states while in attendance before the supreme court of Montana, and members of the general public agreeing to the rules and regulations established by the board of trustees and enforced by the librarian. All persons, during library hours, are permitted to examine the library and its contents and to work within the library quarters. During sessions of the legislative assembly, the members thereof may take books from the library, and state officials may do so at any time. Law books may be taken from the library to a court room by any attorney-at-law, and must be returned to the library before five (5) o'clock P. M. of the same day. No book or other work that cannot be readily replaced in case of loss shall be removed from the state law library except by state officials, and by them only in pursuit of their official duties and subject to recall by the librarian on arrangements made by the borrower with the librarian.

Taking books from library.

Books taken by members of legislative assembly.

Books taken by members of the legislative assembly must be returned at the close of the session; and before the state auditor draws his warrant in favor of any member of the legislative assembly for his last week's salary, he must be satisfied that such member has returned all books taken by him and paid for any injuries thereto.

Duty of state auditor.

The state auditor, if notified by the librarian that any officer has failed to return books taken by him within the time prescribed by the rules, and after demand made, must not draw his warrant for the salary of such officer until the return is made, or three (3) times the value of the books, or of any injuries thereto, has been paid to the librarian.

Liability of persons who injure books.

Section 6. Every person who defaces, tears, or otherwise injures any book or other work, or who fails to return any book taken by him, is liable to the state in three (3) times the value thereof if such book is not replaced by a new one, or another book of identical title, in good order

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and condition, and no statute of limitations shall ever be effective against the claim of the state under this section.

State law library fund.

Section 7. There is hereby established the "state law library fund" which shall be under the control of the board of trustees and shall consist of,

(1) any appropriations made for the state law library by the legislative assembly, including all unexpended balances at the date of approval of this act,

Fees collected by clerk of court.

(2) all of the fees authorized by law to be collected and paid into the state treasury by the clerk of the supreme court, as required by Section 372, Revised Codes of Montana, 1935, as amended by Chapter 112, laws of 1943, and

Unexpended moneys in attorneys' license tax fund.

(3) all of the unexpended moneys in the attorneys' license tax fund on the 31st day of March, of each year, which are required by Section 8960, Revised Codes of Montana, 1935, to be transferred by the state treasurer from such attorneys' license tax fund to the state law library fund, and the moneys so transferred to the state law library fund shall be and remain available for the purposes stated in said Section 8960, and be expended in the manner therein provided. If any part of said fund except legislative appropriations be unexpended in any year, said balance shall not revert to the general fund at the end of the fiscal year, but the same shall be reserved and set apart as a surplus fund for the purchase of books for the state law library, and the board of trustees of the library is hereby empowered and authorized to draw from the state treasury at any time when needed for purchase of additional books any moneys belonging to said surplus fund.

Assistant librarian.

Section 8. The librarian of the state law library is hereby authorized and empowered to employ an assistant who shall, in addition to the duties imposed by the provisions of this act, serve and act as a law clerk for the justices of the supreme court and shall perform any and all other duties prescribed by the supreme court.

Salaries of librarian and assistant.

Section 9. The salary of the librarian of the state law library, and of the assistant librarian, shall be fixed in such amount as the board of trustees shall deem reasonable; provided, however, that the salary of the librarian shall not exceed thirty six hundred dollars ($3,600.00) per

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annum, and the salary of the assistant librarian shall not exceed three thousand dollars ($3,000.00).

Accounts for proofing and printing of books.

Section 10. All accounts for the proofing and printing of books, legal periodicals, library collections, furniture, fixtures and supplies must be prepared by the librarian, submitted to and approved by at least one (1) member of the board of trustees and thereafter submitted to and approved by the state board of examiners and paid out of the state treasury from the library fund.

Indexes of laws passed by legislative assembly.

Section 11. It shall be the duty of the state law librarian to prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislative assembly of Montana. Such index shall be a thorough index of such laws and resolutions, and of each subject contained in or covered by such laws and resolutions, together with such cross-index as will assist in readily finding any subject or matter contained in such volume; and for the purpose of procuring and preserving uniformity in such indexes, the index of each succeeding volume of the session laws shall conform, as near as practicable, with those of the volumes preceding it, prepared by said librarian. The librarian shall also prepare for each volume of such laws an additional index, showing what sections of the several codes of this state, and what session laws have been amended, repealed, altered, or changed by any laws published in that volume, which shall be known and designated as the "code index", and to deliver the said indexes to the secretary of state as soon as completed and all indexes prepared by the librarian for the succeeding volumes of session laws shall be published therein.

Stenographic assistance authorized.

Section 12. The law librarian is authorized and empowered to engage and employ stenographic assistance in the preparation of such indexes and said assistant shall be paid out of the library fund.

Repealing clause.

Section 13. Sections 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556 as amended by Chapter 112, Session Laws of 1943, *and sections,* 1557, 1558, 1559, 1565, 1567, 1569 as amended by Chapter 38, Session Laws of 1939, Revised Codes of Montana, 1935, shall be, and the same are and each thereof is hereby repealed.

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Repealing clause.

Section 14. All acts and parts of acts in conflict herewith shall be, and they are hereby repealed.

Approved March 2, 1949.

CHAPTER 154

An Act to Provide for the Submission to the Qualified Voters of the State of Montana of an Amendment to Section 5, Article XIII of the Constitution of the State of Montana, Relating to the Limitation of Indebtedness or Liability of a County Without the Approval of a Majority of the Electors Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5, Art. XIII of constitution, amendment of to be submitted to electors.

Section 1. That Section 5 of Article XIII of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1950.

Section 2. That Section 5 of Article XIII of the constitution of the State of Montana be, and the same is hereby amended to read as follows:

Sec. 5, Art. XIII of constitution, as proposed.

"Section 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five (5) per centum of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding *the sum set by law* without the approval of a majority of the electors thereof, voting at an election to be provided by law."

Ballot, printing on.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed upon an official ballot provided for by Section 678, Revised Codes of Montana, 1935 as amended by Chapter 81 of the laws of the 26th legislative assembly of the State of Montana, 1939, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

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☐ For the above amendment

☐ Against the above amendment

The elector shall designate his preference for either of the propositions by making an "X" before the proposition for which he desires to vote.

Canvass of votes.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Effective date of amendment.

Effective date of act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 155

An Act to Amend Section V, Part III, Chapter 82 of the Laws of 1937, as Amended by Section I of Chapter 69 of the Laws of 1947, and to Amend Section X, Part V, Chapter 82 of the Laws of 1937, as Amended by Section 2, Chapter 69 of the Laws of 1947 Relating to the Method of Reimbursement to the State Department of Public Welfare by Counties for Grants Made for Old Age Assistance, and Relating to the Method of Reimbursement to the State Department of Public Welfare by Counties for Grants Made for Aid to Needy Blind.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. V, part III, Chap. 82, laws of 1937, as amended, further amended.

Section 1. That Section V, Part III of Chapter 82 of the laws of 1937, as amended by Section 1, Chapter 69 of the laws of 1947 be amended to read as follows, to-wit:

County share of participation.

"Section V. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (⅓) of the approved old age assistance grants *paid by the state department to persons in the county each month, exclusive of the federal share and*

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limited to the federal matching maximum. Such reimbursements shall be credited to the old age assistance account of the state department. *The amount of approved old age assistance grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department, provided, however, that no county board shall approve an old age assistance grant that is not in conformity with the standards of assistance established by the state department."*

Sec. X, part V, Chap. 82, laws of 1937, as amended, further amended.

Section 2. That Section X, Part V of Chapter 82, laws of 1937, as amended by Section 2, Chapter 69 of the laws of 1947, be amended to read as follows, to-wit:

"Section X. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (⅓) *of approved aid to needy blind grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum.* Such reimbursement shall be credited to the aid *to needy* blind account of the state department. *The amount of approved aid to needy blind grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department; provided, however, that no county department shall approve an aid to needy blind grant that is not in conformity with the standards of assistance established by the state department."*

County share of participation.

Approved March 2, 1949.

CHAPTER 156

An Act to Amend Chapter 88, Laws of the Thirtieth Legislative Assembly, 1947, Relating to the Appointment of License Agents for the State Fish and Game Commission, Fixing Their Bond and Compensation; Providing for Remittance of License Fees and Reports; Providing That License Agents May Administer Oaths to Applicants for Licenses, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 88 laws of 1947 amended.

Section 1. That Chapter 88, laws of the thirtieth legislative assembly, 1947, shall be amended to read as follows:

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"Section 1. The state fish and game warden shall have authority to appoint license agents as needed to sell state hunting and fishing licenses, according to such rules and regulations as the commission shall prescribe. License agents.

Section 2. Each appointed license agent shall furnish a corporate surety bond in *an* amount *equal to* one thousand dollars ($1,000.00), *or in an amount equal to the value of the licenses received for distribution, said amount to be fixed at the discretion of the state fish and game warden. Said bond shall secure the faithful performance of the duties imposed on the license agent, the accounting for and payment of all moneys received from the sale of hunting and fishing licenses to the State of Montana and that such license agent* shall properly account for all unsold licenses annually on April *1st*, or at any other time at the request of the state fish and game warden. Surety bond of license agent.

All money received for the sale of licenses shall at all times belong to the State of Montana, and in case of an assignment for the benefit of creditors, receivership or bankruptcy, the State of Montana shall have a preferred claim against the assets and estate of said license agent for all moneys owing the State of Montana. Money received for licenses.

Section 3. License agents, except salaried deputy fish and game wardens, shall receive for all services rendered the sum of ten cents (10¢) for each license issued. On or before the 10th day of each month each license agent shall submit to the state fish and game warden all duplicates of each class of licenses sold during the preceding month and shall accompany such duplicate licenses with lawful remittance of all moneys received for the sale thereof, less a fee of ten cents (10¢) for each license sold. Each license agent shall keep his license account open to inspection at all reasonable hours by the state fish and game commission, the state fish and game warden, or his deputies, or the state examiner. Compensation of license agents. Duties.

Section 4. Appointments of license agents shall be nontransferable, and shall be valid only while the licensee is in the business, or in the employ of *the* business concern for which appointment has been made, and may be summarily revoked at any time by the state fish and game warden for noncompliance with the provisions of this act or other regulations. Duly appointed license agents are hereby Appointments non-transferable.

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authorized to administer oaths to applicants for hunting and fishing licenses.

Prior appointments.

Section 5. All appointments of, or authorizations to, persons or corporations to sell hunting and fishing licenses issued prior to the passage of this act shall be subject to the provisions hereof."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 157

An Act to Amend Section 3694, Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 159, Session Laws, 1941, and by Section 5, Chapter 224, Session Laws, 1947; Relating to Fish and Game.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3694 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 3694, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 159, Session Laws, 1941, and by Section 5, Chapter 224, Session Laws, 1947, be, and the same is hereby amended to read as follows:

"Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.**

Manner of taking game restricted.

1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted

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to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set.

Use of aeroplane, power boat forbidden.

2. No game birds or game or fur-bearing animals shall be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

Firearm silencer.

3. No person shall take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Chasing with dogs.

4. No person shall chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state; provided, however, that livestock owners, employees of the state fish and game commission and of the United States bureau of biological survey may use dogs in pursuit of stock-killing bears, or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the state fish and game warden.

Traps for capturing bear.

Taking birds with aid of dog.

Fishing with hook and line in certain rivers permitted at any time.

5. It shall be lawful to catch fish in the Yellowstone, Missouri, and Kootenai rivers at any season of the year with hook and line, or rod in hand, and non-game fish may be caught in such portions of said rivers as shall be designated by the commission at any season of the year with set-lines, the commission to prescribe the length thereof and the number of *hooks* thereon; provided however, that the commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take

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Non-game fish.

by angling non-game fish in any quantity from any of the waters of state during the open fishing season pertaining to such waters.

Game fish to be taken only by angling.

6. Game fish shall be taken only by angling, that is by hook and *single* line in hand or *single* rod in hand, *or within immediate control*; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to exceed twelve (12) feet in length and three (3) feet in width, in such waters as may be designated by the commission.

Salmon eggs or spawn, possession of unlawful.

7. It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters in this state any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Catching game fish through ice.

8. It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as are designated under proper order of the state fish and game commission. In case any game fish is unintentionally taken contrary to the prohibition or restrictions contained in this act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

Seasons, power of commission to change or suspend.

9. The state fish and game commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. The said commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the season in the several localities on a Sunday.

Orders and regulations take effect, when.

10. Whenever said fish and game commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

Penalties.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be

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punishable as provided by Section 3706 Revised Codes of Montana, 1935."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1949.

CHAPTER 158

An Act to Amend Section 5 of Chapter 37, Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945, Relating to Monies in the Montana Highway Patrolmen's Retirement Fund by Providing That the Montana Highway Patrolmen's Retirement Board May Invest the Said Monies in Bonds of the United States or in Bonds of the State of Montana or Bonds of Any County, Municipality or School District of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 37 of the laws of the twenty-ninth legislative assembly of Montana, 1945, be amended to read as follows:

"Section 5. **Payments Into the Montana Highway Patrolmen's Retirement Fund.** All appropriations made by the State of Montana, all contributions by members of the Montana highway patrol, in the amount hereinafter specified, and all interest on and increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the Montana highway patrolmen's retirement fund. *Whenever there is on deposit in the Montana highway patrolmen's retirement fund, a sum in excess of twenty-five thousand dollars ($25,000.00), such excess will be invested by the Montana highway patrolmen's retirement board, in bonds of the United States or in bonds of the State of Montana, or bonds of any county, municipality, or school district of the State of Montana.*" Payments into retirement fund. Investment of funds.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 2, 1949.

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CHAPTER 159

An Act to Amend Section Three, Chapter 279, of the Session Laws of the Thirtieth Legislative Assembly of the State of Montana for the Year 1947, Relating to Fire Escapes on Hotels, Night Clubs, Boarding or Rooming Houses, Apartments, Dormitories, Office Buildings, Theaters, Gymnasiums, Any Place of Public Amusement or Used for Public Gathering, Colleges, Schools, Stadiums, Amphitheaters, Factories, Hospitals, Motor Courts, Tourist Inns, Cabins, Asylums, Sanitariums, and All Other Places Where Large Numbers of Persons Work, Sleep, Live, or Congregate From Time to Time for Any Purpose; Excepting Private Residences From the Provisions of the Act; Repealing All Acts and Parts of Acts in Conflict Therewith; Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 279 laws of 1947 amended.

Section 1. That Section three, Chapter 279, Session Laws of the thirtieth legislative assembly of the State of Montana for the year 1947, be, and the same is hereby amended to read as follows:

Buildings to be equipped with fire escapes, and number thereof required.

"Section 3. All buildings described in Section 2 hereof, except private residences, of two or more stories in height shall be equipped with not less than one adequate fire escape for each five thousand (5,000) square feet of lot area or fraction thereof occupied by the building. 'First story' is defined as being the story the ceiling of which is first above the level of the grade, said ceiling being an average of five (5) feet or more above the ground surrounding the building."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. The act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 160

An Act to Amend Section 618 of the Revised Codes of

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Montana, 1935, as Amended by Chapter 105 of the Laws of the Twenty-eighth Legislative Assembly, 1943, as Amended by Chapter 259 of the Laws of the Thirtieth Legislative Assembly, 1947, Relating to the Time of Filing Certificates of Nomination by Candidates for Office and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 618 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 618 of the Revised Codes of Montana, 1935, as amended by Chapter 105 of the laws of the twenty-eighth legislative assembly, 1943, and as amended by Chapter 259 of the laws of the thirtieth legislative assembly, 1947, be, and the same is hereby amended to read as follows:

When certificates to be filed.

"Section 618. **When Certificates to Be Filed.** Certificates of nomination to be filed with the secretary of state must be filed *with the secretary of state after the primary election and* not less than *ninety (90) days* before the date fixed by law for the election. Certificates of nomination herein directed to be filed *with* the county clerk must be filed *after the primary election and* not less than *ninety (90) days* before the election. Certificates of nomination of candidates for municipal offices must be filed with the clerks of the respective municipal corporations not more than thirty days (30) and not less than *fifteen (15) days* previous to the day of election; but the provisions of this section shall not be held to apply to nominations for special elections *or* to fill vacancies."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 161

An Act to Amend Section 1830.3, Revised Codes of Montana, 1935, and to Increase the Salary of the State Forester of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1830.3, Revised Codes of Mon-

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Sec. 1830.3 R. C. Mont. 1935 amended.

tana, 1935, be, and the same is hereby amended to read as follows:

State forester, appointment of.

"Section 1830.3. That the governor, by and with the advice and consent of the senate, shall appoint a state forester to have general charge of all the *state's* forests. *He* shall be an elector of the State of Montana, trained and experienced in forestry *and* whose salary *shall be forty-two hundred dollars ($4,200.00)* per annum, *together with the* actual, necessary expenses while engaged in outside work in connection with his office *and its duties as defined by law and the regulations of the state board of land commissioners, the state board of forestry, and the state park commission. Such expenses shall be* payable monthly from the state's general fund *and/or the appropriations made to those other boards to which he, by law, has been designated secretary or executive officer. His* term of office shall be for four (4) years. With the consent and approval of the state board of land commissioners *or the state board of forestry or the state park commission, he* shall appoint *and fix the salaries and expenses of* such office help, *district foresters, fire* wardens, cruisers, scalers, *slash disposal men, state park personnel and such other trained and qualified assistants* as may be necessary *in* the administration of the *state forests, the forested lands within the state, and the state's parks. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law.* He shall give a satisfactory bond to the State of Montana in the sum of ten thousand dollars ($10,000.00) as *a* guarantee for the faithful performance of his duties."

Salary.

Duties.

Term of office.

Office help and assistants.

Official bond.

Effective date.

Section 2. This act shall be in full force and effect from and after July 1, 1949.

Approved March 2, 1949.

CHAPTER 162

An Act to Amend Section 2815.69, Revised Codes of Montana, 1935, as Amended by Section 4, Chapter 30, Montana Session Laws of 1937, and as Amended by Chapter 237, Montana Session Laws of 1947; Relating to Classification of State Liquor Stores.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2815.69, Revised Codes of Montana, 1935, as amended by Section 4, Chapter 30, Montana Session Laws of 1937 as amended by Chapter 237, Montana Session Laws of 1947, be, and the same is hereby amended to read as follows:

Sec. 2815.69 R. C. Mont. 1935, as amended, further amended.

"Section 2815.69. The board shall establish and maintain at the county seats and such other places as the board deems advisable, one or more stores to be known as 'state liquor stores', for the sale of liquor in accordance with the provisions of this act and the regulations made thereunder; *the stores shall be classified according to the volume of business which each store does each fiscal year; the volume of business to be used in figuring each store's classification shall be the volume of business done by the store to be classified during the immediate past fiscal year; stores shall be classified as follows: stores having done a business of four hundred and fifty thousand dollars ($450,000) or over during the immediate past fiscal year shall be 'class A' stores; stores having done a business of one hundred and forty thousand dollars ($140,000) and up to four hundred and fifty thousand dollars ($450,000) during the immediate past fiscal year shall be 'class B' stores; and all stores having done a business of less than one hundred and forty thousand dollars ($140,000) during the immediate past fiscal year shall be 'class C' stores; in opening new stores the board shall estimate the volume of business which said store will do the first year and classify said store according to the estimate of business;* the board shall employ the necessary help to operate said stores and shall designate the duties to be performed by the employees; the board may, from time to time, fix the prices at which the various classes, varieties and brands of liquor may be sold, and prices shall be the same at all state stores. Such state liquor stores shall be and remain open during such period of the day as the board shall deem advisable, provided, however, that such stores shall be closed for the transaction of business on Sundays, legal holidays, and election days."

Board to establish and maintain stores.

Classification of store.

Prices of liquor to be fixed by board.

Stores to remain open, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall take effect from and after its passage and approval.

Effective date.

Approved March 2, 1949.

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CHAPTER 163

An Act Creating Authority to Assist the Education of Crippled Children; Defining the Age Limits of Crippled Children for the Purposes of This Act; Providing for Home Tutorial Service; Providing for the Transportation of Crippled Children to and From Educational Institutions; Providing for a Tax Levy for the Support and Maintenance Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Education of crippled children, trustees of school districts may assist.

Section 1. The board of trustees of any school district, at its discretion, is authorized to assist the education of crippled children of five (5) to sixteen (16) years of age, who, because of physical handicap cannot regularly attend public school by furnishing home tutorial service for such crippled children or by furnishing transportation to and from adequate school facilities locally or elsewhere within the state, whichever best meets the child's needs as determined by the said board of trustees together with the superintendent of schools based upon the recommendations of the division of service for crippled children of the Montana state board of health, and if in any school district there is a need of such special provision for crippled children located therein, then the board of county commissioners may levy a tax not to exceed one (1) mill on the dollar on all taxable property, within the district, in addition to all other levies, for school purposes, for the support and maintenance of such crippled children's education, provided that the board of school trustees of any such district requiring such levy must call an election in the manner prescribed by law for such extra levies for the purpose of obtaining the approval of the district to the making of such additional levy and provided further that such election must be held before the 1st day of July.

Additional tax levy authorized.

Approval by district election required.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 164

An Act to Amend Section 3 of Chapter 84 of the Session

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Laws of Montana of 1937, as Amended by Section 1 of Chapter 226 of the Session Laws of Montana of 1947, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Liquor Licenses; and the Number of Said Licenses That May Be Issued; and Providing for the Issuance of Liquor Licenses to Posts of Nationally Chartered Veterans' Organizations and Lodges of Recognized National Fraternal Organizations, and Providing for the Cancellation of Liquor Licenses Not Actually Used, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Chap. 84 laws of 1937, as amended, further amended.

Section 1. That Section 3 of Chapter 84 of the Session Laws of 1937, as amended by Section 1 of Chapter 226 of the Session Laws of Montana of 1947, be, and the same is hereby amended to read as follows:

Board to issue licenses for sale of liquor at retail.

"Section 3. The Montana liquor control board is hereby empowered, authorized, and directed to issue licenses to qualified applicants to sell liquor at retail in accordance with the provisions of this act; the number of such licenses which the board may issue shall be determined by the last official United States census authorized by congress, to-wit: In towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the boundaries of said towns not more than two (2) retail liquor licenses; in cities or towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits or boundaries of said cities and towns two (2) retail liquor licenses for the first five hundred (500) inhabitants and one (1) retail liquor license for each additional five hundred(500) inhabitants above the first five hundred (500); in cities over two thousand (2000) inhabitants and within a distance of five (5) miles thereof five (5) retail liquor licenses for the first two thousand (2000) inhabitants and one (1) retail liquor license for each additional one thousand (1000) inhabitants; the number of the inhabitants in said cities and towns not including the number of inhabitants residing in the said five (5) mile area shall govern for the issuing of licenses within the limits of said cities and towns and including the said five (5) mile area from the boundaries of said cities and towns; provided, however,

Limitation of number based on number of inhabitants.

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that where there is a town within the five (5) mile area from a city, the populations shall be added together and the board shall determine the number of liquor licenses to be issued in said city and town, and the five (5) mile area from said city and town provided also that the number shall not exceed the above limitations; the said distance of five (5) miles from the corporate limits or boundaries of said cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; outside of said cities and towns and said five (5) mile area said board shall issue liquor licenses at its discretion and said board shall have full power and authority to approve or reject any application for such licenses; licenses already issued which are in excess of said limitations and which are of issue at the date of the passage and approval of this act, shall be renewable but no new licenses shall be issued until the number of licenses shall be reduced to within the above limitations; *provided, however, that the foregoing limitations shall not prevent the granting of non-transferable and non-assignable licenses to posts of nationally chartered veterans' organizations, and lodges of recognized national fraternal organizations, which said national organizations have been in existence for five (5) years or more prior to January 1st, 1949; and provided further that from and after February 1st, 1949, if any license is not actually being used in a going retail establishment, or a post of a nationally chartered veterans' organization, or a lodge of a recognized national fraternal organization for the sale of liquor for a period of ninety (90) days, said license is automatically cancelled, and the holder thereof is entitled to no refund for the unused portion thereof;* except for the above limitations the board shall have power to determine after an investigation whether or not the premises for which any license applied for is within certain defined zones in any incorporated city or town where the sale of liquor is prohibited by ordinance, provided said ordinance does not change the above limitations and provided also that a certified copy of said ordinance is on file with the board; or where said cities and towns do not have zoning ordinances whether or not the premises for which said license is applied for are off the regular police beats of said cities or towns and can be properly policed by local authorities; and whether or not

Discretion of board.

Existing licenses.

Exception, relating to certain organizations.

Power of board in respect to ordinances of cities and towns.

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the issuance of the license applied for outside of said cities and towns and said five (5) mile area would serve the public convenience or necessity; upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail but only in accordance with the rules and regulations promulgated by the said board and the provisions of this act. Qualified applicants shall include persons, hotels, clubs, fraternal organizations and railway systems.

Qualified applicants.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1949.

CHAPTER 165

An Act to Amend Section 2815.36 of the Revised Codes of Montana, 1935, as Amended by Chapter 225 of the Session Laws of Montana of 1947, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Retail Beer Licenses, the Number of Said Licenses Which May Be Issued, and Providing for the Issuance of Retail Beer Licenses to Posts of Nationally Chartered Veterans' Organizations and Lodges of Recognized National Fraternal Organizations, and Providing for the Cancellation of Retail Beer Licenses Not Actually Used, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2815.36 of the Revised Codes of Montana, 1935, as amended by Chapter 225 of the Session Laws of Montana of 1947, be, and the same is hereby amended to read as follows:

Sec. 2815.36 R. C. Mont. 1935, as amended, further amended.

"Section 2815.36. That a retail license to sell beer shall be issued to any person, firm or corporation who shall be approved by the majority of the board, as a fit and proper person, firm or corporation to sell beer, save and except that the number of such licenses which the board may issue shall be determined by the last official United States census authorized by congress, to-wit: In towns of five

License to sell beer, issuance of.

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Limitation of number of, based upon number of inhabitants.

hundred (500) inhabitants or less and within a distance of five (5) miles from the boundaries of said towns not more than two (2) retail beer licenses to be used in conjunction with retail liquor licenses and not more than one (1) additional retail beer license which shall not be used in conjunction with a retail liquor license; in cities or towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits or boundaries of said cities and towns two (2) retail beer licenses for the first five hundred (500) inhabitants and one (1) retail beer license for each additional five hundred (500) inhabitants above the first five hundred (500) which said beer licenses shall be used in conjunction with retail liquor licenses and one (1) additional beer license for each five hundred (500) inhabitants which said beer license shall not be used in conjunction with retail liquor licenses; in cities over two thousand (2000) inhabitants and within a distance of five (5) miles thereof five (5) retail beer licenses for the first two thousand (2000) inhabitants and one (1) retail beer license for each additional one thousand (1000) inhabitants which said beer licenses shall be used in conjunction with retail liquor licenses and two (2) additional retail beer licenses for the first two thousand (2000) inhabitants or major fraction thereof and one (1) additional beer license for each additional two thousand (2000) inhabitants which beer licenses shall not be used in conjunction with retail liquor licenses; the number of the inhabitants in said cities and towns not including the number of inhabitants residing in the said five (5) mile area shall govern for the issuing of licenses within the limits of said cities and towns and including the five (5) mile area from the boundaries of said cities and towns, provided, however, that where there is a town within the five (5) mile area from a city, the population shall be added together and the board shall determine the number of beer licenses to be issued in said city and town and the five (5) mile area from said city and town provided also that the number shall not exceed the above limitation; the said distance of five (5) miles from the corporate limits or boundaries of said cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; outside of said cities and towns and said five (5)

Discretion of board.

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mile area said board may issue retail beer licenses at its discretion and said board shall have power and authority to approve or reject any application for such license; licenses already issued which are in excess of said limitations and which are of issue on the date of the passage and approval of this act, shall be renewable, but no new beer licenses shall be issued until the number of licenses shall be reduced to within the above limitations; *provided, however, that the foregoing limitations shall not prevent the granting of non-transferable and non-assignable licenses to posts of nationally chartered veterans' organizations, and lodges of recognized national fraternal organizations, which said national organizations have been in existence for five (5) years or more prior to January 1st, 1949; and provided further that from and after February 1st, 1949, if any license is not actually being used in a going retail establishment, or a post of a nationally chartered veterans' organization, or a lodge of a recognized national fraternal organization for the sale of beer for a period of ninety (90) days, said license is automatically cancelled, and the holder thereof is entitled to no refund for the unused portion thereof;* the board shall have *the* power to issue licenses for the sale of beer for off premises consumption, which licenses shall not be included in the above limitations; that a license for the sale of beer for off premises consumption shall be for the sale of beer in original packages for consumption off of the premises where said beer is sold; that it shall be unlawful for any such licensee to sell beer under such license for consumption on said premises where said beer is sold; that the board shall have full discretion in the issuing of said licenses for the sale of beer for off premises consumption with full power to approve or reject any such application for such licenses and shall also have full power to suspend or revoke such licenses for cause; that the license fee for such licenses for the sale of beer for off premises consumption shall be the same as for a retail beer license. Except for the above limitations the board shall have power to determine after an investigation whether or not the premises for which any license applied for is within certain defined zones in any incorporated city or town where the sale of beer is prohibited by ordinance provided said ordinance does not change the above limitations and provided also that a certified copy of said ordinance is on file with the board; or where said cities

Licenses outside cities and towns and five mile area.

Exception, relating to certain organizations.

License for sale of beer for off premises consumption.

Discretion of board.

Ordinances of cities and towns.

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and towns do not have zoning ordinances whether or not the premises for which said license is applied for are off the regular police beats of said cities or towns and can be properly policed by local authorities; and whether or not the issuance of the license applied for outside of said cities and towns and said five (5) mile area would serve the public convenience or necessity."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 166

An Act to Amend Section 1075 of the Revised Codes of Montana, 1935, Relating to the Re-election of Teachers, Showing When Re-election Becomes Automatic, Requiring Board to Give Statement of Reasons When Teacher's Re-employment Is Not Desired, Providing for Hearing, and Requiring Teacher Acceptance of Contract Within Fixed and Limited Period of Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1075 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Re-election of teachers, when automatic.

"1075. **Re-election of Teachers — When Automatic — Acceptance.** After the election of any teacher or principal for the third consecutive year in any school district in the state, such teacher or principal so elected shall be deemed re-elected from year to year thereafter at the same salary unless the board of trustees shall by majority vote of its members on or before the first day of *April* give notice in writing to said teacher or principal that he has been re-elected or that his services will not be required for the ensuing year, *but in this written notice, the board of trustees, if requested by the teacher or principal, must declare clearly and explicitly the specific reason or reasons for the failure of re-employment of such teacher. The teacher or principal, if he so desires, shall be granted a*

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hearing and reconsideration of such dismissal, before the board of trustees of that school district. The request for a hearing and reconsideration must be made in writing and submitted to the board of school trustees within ten (10) days after receipt of notice of dismissal. The board of trustees must hold a hearing and reconsider its action within ten (10) days after receipt of such request for a hearing and reconsideration. Provided that nothing in this act shall be construed to prevent the re-election of such teacher or principal by such board at an earlier date, and also provided that in case of re-election of such teacher or principal, he shall notify the board of trustees in writing within twenty days after the notice of such re-election of his acceptance of the position tendered him for another year and failure to so notify the board of trustees shall be regarded as conclusive evidence of his nonacceptance of the position."

Hearing in case of dismissal.

Earlier re-election of teachers, and acceptance.

Section 2. This act shall not be so construed as to conflict or interfere with the provisions of Chapter 87, Session Laws of 1937 as amended by Chapter 215, Session Laws of 1939, Chapter 14, Session Laws of 1941 and Chapter 137, Session Laws of 1945.

Construction of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1949.

CHAPTER 167

An Act to Amend Section 10 of Chapter 39 of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945, Relating to the License Tax Paid by Dealers to the State Board of Equalization On Gasoline and Fixing the Amount Thereof; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10 of Chapter 39 of the laws of the twenty-ninth legislative assembly of the State of

Sec. 10, Ch. 39 laws of 1945 amended.

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Montana, 1945, be, and the same is hereby amended to read as follows:

"Section 10. For the purpose of providing funds for the payment of the interest upon and maturing principal of the state highway treasury anticipation debentures herein provided for, every dealer as referred to and defined in the gasoline license tax laws of the State of Montana now in effect, until the principal and interest of all debentures issued under the authority of this act shall have been paid, shall pay to the state board of equalization for deposit in the state treasury, a license tax for the privilege of engaging in and carrying on such business in this state, in an amount equal to *six cents (6¢)* for each gallon of gasoline (as defined in Section 2381.11, Revised Codes of Montana, 1935), refined, manufactured, produced or impounded by such dealer, and distributed, used or sold by him in this state, or shipped, transported or imported by such dealer into and distributed, used or sold by him within this state, after it has arrived in and is brought to rest within this state, whether sold in the original packages or in broken packages; provided that all gasoline delivered by any dealer to any of his own service stations in this state shall be deemed to have been sold, and shall be treated and considered as sold, in computing such license tax, in the same manner as though the same had been sold to other persons. In making the computation of license tax due and in making payment thereof, two per cent (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. No gasoline used or sold by such dealer, which was purchased by him from a dealer who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, and no gasoline exported by such dealer out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for."

Per gallon license tax.

Allowance for evaporation.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 168

An Act to Amend Chapter 130 of the Laws of the Thirtieth

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Legislative Assembly of the State of Montana, 1947, Relating to the Refund of Gasoline Taxes, the Procedure Therefor, the Persons Entitled Thereto, Fixing Penalties and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 130 of the laws of the thirtieth legislative assembly of the State of Montana, 1947, be, and the same is hereby amended to read as follows:

Chap. 130, laws of 1947 amended.

"2396.4. That any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the State of Montana, under the laws of this state licensing dealers in gasoline, a tax for the purpose of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aeroplanes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money, equal to *the amount of such tax per gallon,* multiplied by the number of gallons of gasoline so purchased and used, *except as provided by Section 20, Chapter 152, Laws of Montana, 1945;* provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construction, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase of such gasoline showing such purchase and use, which statement

Refund of gasoline tax.

Refund to counties, cities, towns and school districts.

Showing required of claimant.

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shall set forth in words and figures, the total amount of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them. All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within six (6) months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have sixty (60) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim, and same shall be paid out of the gasoline license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the gasoline upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

Limitation of time for filing application.

Approval or rejection by board of equalization.

Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices, fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Permits for filing claims.

Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath and shall contain, among other things, the name,

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address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Record required.

Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

Suspension of permit.

Whenever a claim shall be rejected upon the ground of fraud, as above provided, the state board of equalization may suspend the claimant's permit, for a period not exceeding one year, and no claim shall thereafter be approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

Subjection to rules and regulations.

All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules, and regulations applicable to individuals and as such subdivisions can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

Separate invoices for each purchase.

When gasoline is sold to a person who shall claim to be entitled to a refund of the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase. The seller shall retain the duplicate original invoices for *a* period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

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CHAPTER 169

An Act to Amend Section 2 of Chapter 182, Session Laws, 1943; Relating to the Montana School for the Deaf and Blind; Providing for the Purchasing, Furnishing and Distribution of Sight-saving or Large Print Texts for the Use of Especially Visually Handicapped Children of the Public Common Schools; Making an Appropriation therefor and Repealing All Acts and Parts of Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 182 laws of 1943 amended.

Section 1. That Section 2 of Chapter 182, Session Laws of 1943, be, and the same is hereby amended to read as follows:

Objects and purposes of Montana state school for the deaf and blind.

"Section 2. The Montana state school for the deaf and blind shall be a residential and boarding school for children and adolescents who are deaf or blind, or whose hearing or sight is so defective that they cannot be successfully taught, and for such reason are unable to receive a sufficient or proper education in the public schools of the state. The object and purpose of such school shall be to furnish and provide, by the use of specialized methods and systems, an ordinary public school education and to teach such trades and vocations as will enable children attending such school to become independent and self-sustaining citizens. Increased and additional facilities shall be provided, from time to time, for the more thorough and successful training of those who show a special aptitude for becoming proficient at such trades or vocations. In the interest of economy and increased opportunities for vocational education and training, and in order that pupils may be practically taught such trades and vocations, so much of all carpentering, printing, painting, baking, sewing, and other or similar work necessary to be done for and in and about the school, as the superintendent of the school may deem practical, shall be done by such pupils under competent teachers and foremen, permanently or temporarily employed for such purpose, and this requirement shall apply to both male and female pupils."

Appropriation for texts for visually handicapped pupils of public schools.

Section 2. There is hereby appropriated out of any money in the common school equalization fund, not otherwise appropriated, the sum of five thousand dollars ($5,-

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000.00), or as much thereof as may be necessary, to be credited to the superintendent of public instruction, for the purpose of purchasing sight-saving or large print texts for use by especially visually handicapped children of the public common schools, such texts to be distributed to the said schools by the department of visual education of the office of the state superintendent of public instruction.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 170

An Act Providing for Payment by Certain Counties of Any Indebtedness Incurred in Good Faith for Preservation of Health and Sanitation, Relative to Collection of Garbage Prior to August 1, 1948, the Payment of Which Has Not Been Made.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners in certain counties authorized to pay indebtedness for collection of garbage incurred in violation of budget law.

Section 1. The board of county commissioners of any county of the State of Montana having a population of thirty-five thousand (35,000) or over, having outstanding against it, indebtedness incurred in good faith and for value received prior to August 1, 1948, for preservation of health and sanitation, relative to the collection of garbage in violation of Sections 4613.1 to 4613.10, inclusive, Revised Codes of Montana, 1935, and acts amendatory thereof, (state budget law), is hereby authorized and empowered to pay such indebtedness and discharge the obligations thereby assumed out of funds on hand, at end of fiscal year not otherwise encumbered, or out of funds raised for that purpose by direct tax levy.

Manner of payment.

Section 2. The board of county commissioners of any such county is hereby authorized and directed to pay such indebtedness in the manner prescribed by law out of the funds provided as aforesaid.

Construction of act limited.

Section 3. Nothing herein contained shall be construed as authorizing a levy to be made for any fund in excess of the limitation now prescribed by existing law.

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Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

CHAPTER 171

An Act to Amend Section 4542, Revised Codes of Montana, 1935, Relating to County Farm Bureaus; Providing Such Bureaus May Be Organized to Work in Cooperation With Various Interested County Groups and Agencies.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4542 R. C. Mont. 1935 amended.

Section 1. That Section 4542, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Corporations may be organized as county farm bureau.

"Section 4542. **Corporations May Be Organized As County Farm Bureaus.** A corporation to be known as the county farm bureau may be organized in any county, to develop and to carry out a county program of work, in cooperation *with various interested groups and agencies,* for the advancement of agriculture and home economics, the promotion of better understanding between the citizenship of town and country, and the development of a wholesome community life."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 172

An Act Limiting the Right to Perform Autopsies Upon, or Dissect the Dead Body of a Human Being to Cases Specifically Authorized by Statute, or Will, or Other Written Declaration or Statement of the Deceased; to Cases Where the Next of Kin Charged With Burial Authorize Dissection; to Cases Where a Decedent Dies in Public Institutions Located in the State of Montana, Leaving No Surviving Next of Kin, When the Manager or Superintendent of the Institutions Named Herein

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First Secures an Order of the District Court Authorizing Such Dissection, or Autopsy or Post-mortem Examination; Providing That Such Procedures Shall Be Conducted by Licensed Physicians and Surgeons, and for Reports by Such Physicians and Surgeons; Excepting Licensed Embalmers From the Operation of the Act to the Extent Permitted by Law; and Providing Any Violation of This Act Shall be a Misdemeanor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Autopsy upon or dissection of dead body of human being, right to perform limited.

Section 1. The right to perform an autopsy upon, or to dissect the dead body of a human being, or make any post-mortem examination involving dissection of any part of such body, shall be limited to the following cases, viz.: (a) To cases where such autopsy or dissection is specifically authorized by a statute or code provision of this state, (b) or to cases where a coroner is authorized to hold an inquest upon a dead body, as provided by Section 12381, Revised Codes of Montana, 1935, and any code section continuing authority for such inquest and then only to the extent such coroner may authorize dissection or autopsy, (c) cases where dissection, autopsy or post-mortem examination is directed or authorized by the last will and testament, or codicil thereto or other written statement of the deceased, whether such statement be of testamentary character or otherwise, (d) cases where the husband, wife or next of kin charged by law with the duty of burial, shall, in writing, authorize dissection, autopsy or other post-mortem examination of the dead body for the purpose of ascertaining the cause of death, and then only to the extent so authorized; and (e) cases where the decedent died in one of the institutions located in the State of Montana, hereafter named, leaving no surviving husband, wife or next of kin charged by law with the duty of burial, and when the manager or superintendent of the institution where such body was at the time of death first obtains an order of the district court in, and for the county where such institution is located, authorizing dissection, autopsy or other post-mortem examination, for the purpose of ascertaining the cause of death, and then only to the extent so authorized by such order of the district court. The said institutions are:

In certain cases, to determine cause of death.

Certain cases, where decedent died in one of the designated state institutions.

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1. Hospitals operated by the United States veterans' administration,

2. Hospitals and sanitariums operated by the State of Montana,

3. Montana soldiers' home,

4. Montana school for deaf and blind,

5. Montana state industrial and vocational schools,

6. Montana state orphans' home,

7. Montana training school for the feeble-minded,

8. Montana state penitentiary.

In other cases, upon order of district court.

In all other cases where the decedent died in the State of Montana and while a resident of the State of Montana at the time of death, leaving no surviving husband, wife, or next of kin charged by law with the duty of burial, the attending physician at the time of decedent's death first obtains an order of the district court in, and for the county in which such death occurred, authorizing dissection, autopsy or other post-mortem examination for the purpose of ascertaining the cause of death, and then only to the extent so authorized by the order of the district court, after it has been shown to the satisfaction of the court that applicant for the order has made due and diligent search for the next of kin charged by law with the duty of burial, and after such due and diligent search was unable to find said next of kin.

By whom to be performed.

Section 2. All dissections, autopsies or other post-mortem examinations involving dissection of any part of the human body, (except preparation of the body for burial or cremation by duly licensed embalmers), shall be performed by a physician or surgeon duly licensed to practice such profession by the state board of medical examiners of the State of Montana, and upon completion of any such dissection, autopsy or other post-mortem examination, the physician or surgeon, whether one or more participating, shall deliver a written report thereof, together with his findings as to cause of death, to the next of kin of decedent, or the representative of decedent's estate, or to other persons lawfully requesting such procedures in the cases herein permitted.

Written report.

Section 3. Every person who shall make, or cause to be made, any dissection of the body of a human being, or

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to have any autopsy performed thereon, or to have any other post-mortem examination performed and accomplished except as hereinbefore provided, shall be guilty of a misdemeanor. But nothing in this act shall affect, impair or restrict the right of a duly licensed embalmer, undertaker or mortician to dissect the dead body of a human to the extent necessary and proper in the preservation or preparation of such body for burial, cremation or other lawful disposition, in all cases as authorized by the laws of Montana.

Penalty.

Exception relating to licensed embalmers, undertakers and morticians.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed, save and except that nothing in this act is to be construed as repealing any of the provisions of Chapter 44, or Chapter 102 of the 1943 Session Laws of the State of Montana.

Repealing clause.

Exception.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1949.

CHAPTER 173

An Act to Amend the Following Sections of the Revised Codes of Montana, 1935, Relating to the Licensing of Guides To-wit: Section 3745, as Amended by Chapter 103, Laws of 1941; Section 3746, as Amended by Section 25 of Chapter 224, Laws of 1947; Section 3747, 3748, 3749 and 3750; Such Amendments to Provide for an Outfitter's License in Addition to a Guide's License; Penalty for Violation of Act; Defining a Guide; Defining an Outfitter; Requiring Guides and Outfitters to Keep Records and Submit an Annual Report to the State Fish and Game Warden; and Making Guides and Outfitters Equally Responsible With Those Employing Them for Violation of the Law; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3745, of the Revised Codes of Montana, 1935, as amended by Chapter 103, laws of 1941, be, and the same is hereby amended to read as follows:

Sec. 3745 R. C. Mont. 1935, as amended, further amended.

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"Section 3745. *Outfitter's License* — **Guides License — Qualifications** — *Bonds — Penalty for Violation of This Act.*

Outfitter's license.

It shall be unlawful for any person or persons, company or corporation to engage in the business of outfitters or outfitting without such person, persons, company or corporation having first obtained an outfitter's license from the state fish and game warden.

Qualifications of outfitter.

Each outfitter shall be a financially responsible citizen of the United States, a bona fide resident of the State of Montana, and possess proper equipment for the protection and convenience of his guests. Before issuing any outfitter's license, the warden shall be satisfied that the applicant therefor shall possess the necessary ability, experience and equipment. He may refuse a license to any such applicant who is not qualified in the opinion of the state fish and game warden.

Application.

Before the issuance of a license to any outfitter, the applicant therefor shall file a written application with the state fish and game warden and said application shall be signed and sworn to by the applicant and endorsed by the recommendation of three resident real property owners of the county in which the applicant lives, stating in detail the name, address, property owned and used in said business by such applicant, his citizenship and such other facts as may be required to fully inform the warden of the ability of the applicant to comply with this act, and the rules and regulations of the state fish and game commission.

Surety bond required.

Said applicant for an outfitter's license shall file in the office of the state fish and game commission a corporate surety bond executed to the State of Montana in the penal sum of one thousand dollars ($1,000.00) conditioned upon the faithful performance on the part of the outfitter, his agents or employees, and in compliance with the provisions of the laws of the State of Montana, and the rules and regulations of the commission, and upon payment of

Fee.

a fee of ten dollars ($10.00) shall receive an outfitter's license and such license shall authorize the individual outfitter to act as a guide without obtaining a guide's license as hereinafter provided.

Guide's license.

Guide's License. It shall be unlawful for any person *to* engage in the business of guiding, as the term is com-

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monly understood, without first having *obtained* a guide's license from the state fish and game *commission. Each applicant for a guide's license must be at least twenty-one (21) year's of age, and a resident of the State of Montana, and must file a written application stating his qualifications for receiving a guide's license. Such application will state the following: name, residence, age, and a list of areas which he is thoroughly familiar with and where he intends to guide hunting or fishing parties. Such application shall be sworn to and signed by the applicant and shall be endorsed by three real property owners, residing in the county in which the applicant lives, stating that the applicant's statements are true and that he is a competent person and has knowledge of the state fish and game laws, and rules and regulations of the commission.* The residential requirements herein provided for procuring a guide's license are hereby waived for the citizens of any state or states to the same extent that the home state of the applicant waives such residential requirements for the citizens of the State of Montana, providing that such waiver shall extend only to counties bordering on a state adjacent to the State of Montana.

Qualifications.

Application.

License waived for citizens of other states on reciprocity basis.

Before issuance of any guide license to the applicant therefor, such applicant shall execute a bond to the State of Montana in the penal sum of five hundred dollars ($500.00), conditioned upon the faithful performance of his duties and compliance with the state fish and game laws, and orders, rules and regulations of the commission and upon the payment of a fee of five dollars ($5.00) shall obtain a guide's license. Guides' licenses shall expire on April 30th annually."

Bond required.

Fee.

Section 2. Section 3746, of the Revised Codes of Montana, 1935, as amended by Section 25 of Chapter 224, laws of 1947, be, and the same is hereby amended to read as follows:

Sec. 3746 R. C. Mont. 1935, as amended, further amended.

"Section 3746. *Penalty for Violation of this Act. Any person who shall act as an outfitter without a license as the term 'outfitter' is commonly understood, or any person who shall act as a guide without a guide's license, or any outfitter or any guide who shall wilfully fail to report any violation committed by any person or persons employing him as a guide or outfitter, or who shall be found guilty of a violation of the fish and game laws, shall* be

Penalty for violation of act.

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guilty of a misdemeanor, *and upon conviction thereof*, shall be punished as provided *for in* Section 3706 of the Revised Codes of Montana, 1935, *and in addition, when any guide or outfitter shall be found guilty of a violation of the fish and game laws, or rules and regulations of the commission, said license heretofore issued shall be revoked at the discretion of the warden for a period of not less than two (2) years, nor more than five (5) years."*

Sec. 3747 R. C. Mont. 1935 amended.

Section 3. Section 3747 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Who deemed a guide.

"Section 3747. **Who Deemed a Guide.** Any person *who shall accompany hunting or fishing parties as guide or packer and* who shall for pay, aid or assist any person or *persons* in locating, pursuing *or taking of any game animal or game bird, or who shall for pay accompany any person or persons in any boat or floating craft, for the purpose of catching fish, shall be considered a guide and shall be subject to the requirements of this act. No guide is authorized to shoot, kill or attempt to shoot, kill, or take fish or game for those employing him as a guide."*

Guide forbidden to shoot game or take fish for employers.

Sec. 3748 R. C. Mont. 1935 amended.

Section 4. Section 3748, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Outfitter" defined.

"Section 3748. *Who Deemed An Outfitter. For the purpose of this act, the word 'outfitter' shall mean any person or persons who shall engage in the business of outfitting for hunting or fishing parties, as the term is commonly understood, or any person, persons, or agent of a domestic corporation who is operating in this state from a temporary or permanent camp, private or public lodge, private or incorporated home, who shall for pay provide any saddle or pack animal or animals, vehicles, boats, or other conveyance for any person or persons to hunt, trap, capture, take or kill any of the game animals or to catch any of the game fish of the State of Montana. This act shall not apply to a person or to persons not engaged in the business of an outfitter who renders to another an occasional accomodative service in the furnishing of saddle or pack animals, boats or other conveyance to a hunter or a fisherman."*

Persons excluded.

Section 5. Section 3749, of the Revised Codes of Mon-

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tana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3749 R. C. Mont. 1935 amended.

"Section 3749. **Statement to Game Warden by Guides** *and Outfitters — Revocation of License for Failure to Keep Record or Make Report.* Whenever *an outfitter or* guide is employed by any person or party, such *outfitter or* guide *shall keep a record showing the name, address, license number, dates employed by each person and the number of each kind of game killed or amount of fish taken. Such information contained in the record shall be made available at any time upon request of the state fish and game warden or his deputies, and annually on January 15, each outfitter or guide shall submit a report to the state fish and game warden giving the total number of persons employing him as a guide, the number and species of game killed, and the amount of fish which were taken; providing that a licensed guide shall not be required to submit a report for the time that he has been employed by an outfitter. Failure on the part of any guide or outfitter to comply with the provisions of this act shall be sufficient cause for revocation of a guide's license or outfitter's license by the commission.*"

Record to be kept.

Report to fish and game warden.

Revocation of licenses.

Section 6. Section 3750 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3750 R. C. Mont. 1935 amended.

"Section 3750. **Guides** *and Outfitters* **Equally Responsible with Others for Violations of Law — Must Report Violations.** Any person acting as guide *or outfitter* for any person or party shall be equally responsible with such person or party for any violation of the law; any such guide *or outfitter* who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as *herein* provided."

Guides and outfitters, responsibility of.

Penalty for failure to report violations of law.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1949.

CHAPTER 174

An Act to Amend Section 4238 of the Revised Codes of

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Montana, 1935, as Amended by Chapter 146, Section 6, Session Laws of Montana of 1939, and Chapter 110, Section 3, Session Laws of Montana of 1945, Relating to the Duties of the State Sealer, Providing for Supervision of Installation and Use of Weighing Devices and Apparatus; Repealing All Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4238 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 4238 of the Revised Codes of Montana, 1935, as amended by Chapter 146, Section 6, Session Laws of Montana of 1939, and Chapter 110, Section 3, Session Laws of Montana of 1945, be, and the same is hereby amended to read as follows:

Duties and powers of state sealer of weights and measures.

"Section 4238. *Duties and Powers of the State Sealer of Weights and Measures. The state sealer shall prescribe and adopt such rules and regulations for the installation of heavy duty scales as he may deem necessary to carry out the provisions of this chapter, and he may change or modify or amend any or all rules whenever deemed necessary.* Said state sealer of weights and measures, or his deputies, shall visit the various counties, cities, and towns in the state, and in the performance of his duties, he, or his deputies, shall inspect weights and measures and balances which are used for buying or selling goods, wares, merchandise, or other commodities, and for public weighing, and shall test or calibrate weights and measures, weighing devices or apparatus used as test standards in the state. He, or his deputies, shall, at least once a year, test all scales, weights and measures used in checking the receipts or disbursements of supplies of every state institution, and shall report in writing his findings to the executive officer of the institution concerned. The state sealer of weights and measures shall prepare a certificate of suitable size which shall be issued to the owner or person in charge after inspection, and a proper seal to be attached or affixed to all weights and measures or measuring devices so tested. Said certificates and seals shall bear the signature of the state sealer of weights and measures, or shall be signed by a deputy sealer of weights and measures. Such certificates shall be numbered in consecutive order, and shall show the date of issuance. It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel or remove any such certificate, or any seal, stamp or mark provided

Certificate of inspection to be issued.

Defacement of certificate unlawful.

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for by this act, or cause or permit the same to be done, or to violate any of the provisions of this act, without the written consent of the state sealer of weights or that of the deputy who inspected the weighing device."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 2, 1949.

CHAPTER 175

An Act to Amend Section 4929 Revised Codes of Montana, 1935, Relating to Salaries of Justices of the Peace in Certain Townships and Providing for an Increase in Such Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4929 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows: Sec. 4929 R. C. Mont. 1935 amended.

"Section 4929. **Salaries of Justices of the Peace in Certain Townships — Hours — *and* Quarters.** Justices of the peace in townships having a population of ten thousand *(10,000)* people and not exceeding *fifteen* thousand *(15,000)* people shall each receive a salary of *eighteen* hundred dollars *($1800.00)* per annum, payable monthly from the county treasury; justices of the peace in townships having a population of more than *fifteen* thousand *(15,000)* people *and not exceeding twenty thousand (20,000) people* shall each receive a salary of *twenty-two* hundred dollars *($2200.00)*, payable monthly from the county treasury; justices of the peace in townships *having a population of more than twenty thousand (20,000) people shall each receive a salary of twenty-six hundred dollars ($2600.00), payable monthly from the county treasury;* and justices of the peace in such townships shall receive no other additional fees or compensation whatever, except that they may receive and keep those fees designated as 'miscellaneous fees' by Section 4927 of this code; justices of the peace in townships having a population of less than ten Salaries of justices of the peace in certain townships. Fees.

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thousand *(10,000)* people shall receive the fees and emoluments provided under existing laws; justices of the peace in townships having a population of ten thousand *(10,000)* people and upwards shall keep their offices open for business from nine o'clock A. M. to twelve o'clock *A. M.*, and from one o'clock P. M. to five o'clock P. M. on all judicial days, and at such other hours on judicial days as they may desire; *providing, however, the office may be closed from one o'clock P. M. to five o'clock P. M. on Saturdays;* and such justices shall occupy such quarters as may be furnished and selected for them by the board of county commissioners, and said board may, in its discretion select suitable quarters for such and may, in its discretion, pay for same from moneys in the county treasury."

Office hours.

Quarters.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1949.

CHAPTER 176

An Act to Amend Section 1805.14 of the Revised Codes of Montana, 1935, and Section 1, Chapter 30, Session Laws, 1943, Relating to the Salaries and Compensation of Officers and Employees of the Department of State Lands and Investments; Setting the Salary of the Chief Field Agent at Forty-two Hundred Dollars ($4,200.00). Changing the Salary of the Commissioner of State Lands and Investments From Thirty-six Hundred Dollars ($3,600.00) Per Annum to Forty-five Hundred Dollars ($4,500.00) Per Annum, Payable Monthly; Providing That the Salary of the Deputy Field Agents, Clerks, and All Employees Shall Be Fixed and Determined by the Board of Examiners Subject to the Provisions of Chapter 30, Laws of 1943; Providing for the Monthly Payment of Such Salaries; Deleting the Last Three Paragraphs of Section 1805.14, Revised Codes of Montana, 1935; Providing When This Act Shall Take Effect; Providing for the Payment of Necessary Expenses; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1805.14 of the Revised Codes

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of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 1805.14 R. C. Mont. 1935 amended.

"Section 1805.14. **Salaries and Compensation.** The salary of the commissioner shall be *forty-five hundred dollars ($4,500.00)* per annum, *payable monthly,* and the salary of the chief field agent shall be *forty-two hundred dollars ($4,200.00)* per annum, *payable monthly, and the salary of the deputy field agents, clerks, and all employees shall be fixed and determined by the state board of examiners subject to the provisions of Chapter 30, laws of 1943, and as amended by this act.* The salaries of the employees of the department shall be payable monthly from the state general fund. *The commissioner of state lands and investments, the chief field agent, and all employees* shall be paid actual and necessary expenses while engaged in the performance of *their* official duties outside the state capitol."

Salaries and compensation.

Travel expense.

Section 2. That Section 1 of Chapter 30, laws of 1943, be, and the same is hereby amended to read as follows:

Sec. 1, Ch. 30 laws of 1943 amended.

"Section 1. The state board of examiners of the State of Montana shall by resolution, fix and designate the number, compensation, term and tenure of office of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers and executive attaches of all civil executive state offices, boards, commissions, bureaus and departments of the State of Montana, *except that the salary of the chief field agent of the department of lands and investments shall be fixed by the legislature.*"

Civil executive state officers, number, tenure and compensation of to be fixed by board of examiners.

Exception — chief field agent of department of lands and investments.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1949.

CHAPTER 177

An Act to Amend Chapter 150 of the Laws of 1945, as Amended by Chapter 91 of the Laws of 1947, Relating to the Salaries of County Officers and Providing a

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Method and Procedure for Fixing and Determining Such Salaries and Requiring County Commissioners to Fix Such Salaries in Accordance With Such Method and Procedure, by Providing That the Salary Schedule Set Out in Section 1 Thereof Shall Be Increased So as to Provide a Four Hundred Dollar ($400.00) Annual Salary Increase for the Officers Enumerated in Said Section; By Providing That All Salaries Fixed by All Other Sections of Said Chapter Be Increased So As to Provide a Four Hundred Dollar ($400.00) Annual Salary Increase for the Officers Enumerated Therein; By Providing That Populations of the Various Counties Shall Be Computed On the Basis of the Annual Estimation of Population of the Federal Census Bureau for the Purpose of Computing That Portion of Officers' Salaries to Be Taken From Salary Column A of Section 1 of Said Chapter; Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval, But Shall Not Effect An Increase of the Salary of Any Public Officer Who Is in Office At the Date This Act Goes Into Effect; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 150, laws of 1945, as amended, further amended.

Section 1. That Chapter 150 of the laws of 1945, as amended by Chapter 91 of the laws of 1947, be, and the same is hereby amended to read as follows:

Salaries of county treasurers and other county officers.

"Section 1. The salaries of county treasurers, county clerks, county assessors and county superintendents of schools, *and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 1622.1, Revised Codes of 1935,* shall be based on the population and taxable valuation of the county in accordance with the following schedule:

Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below 3,000	$1,160	Below $2,000,000	$1,160
3,000 to 3,999	1,208	$ 2,000,000 to 2,999,999	1,208
4,000 to 4,999	1,256	3,000,000 to 3,999,999	1,256
5,000 to 5,999	1,304	4,000,000 to 4,999,999	1,304
6,000 to 6,999	1,352	5,000,000 to 5,999,999	1,352
7,000 to 7,999	1,400	6,000,000 to 6,999,999	1,400

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8,000 to 8,999....	1,448	7,000,000 to 7,999,999....	1,448
9,000 to 9,999....	1,496	8,000,000 to 9,999,999....	1,496
10,000 to 12,499....	1,544	10,000,000 to 11,999,999....	1,544
12,500 to 14,999....	1,592	12,000,000 to 13,999,999....	1,592
15,000 to 17,499....	1,640	14,000,000 to 15,999,999....	1,640
17,500 to 19,999....	1,688	16,000,000 to 17,999,999....	1,688
20,000 to 24,999....	1,736	18,000,000 to 19,999,999....	1,736
25,000 to 29,999....	1,784	20,000,000 to 22,499,999....	1,784
30,000 to 39,999....	1,832	22,500,000 to 24,999,999....	1,832
40,000 to 49,999....	1,880	25,000,000 to 29,999,999....	1,880
50,000 and over....	1,928	30,000,000 and over	1,928

Salaries, how computed.

The total salary paid to county treasurers, county clerks, county assessors and county superintendents of schools, *and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 1622.1, Revised Codes of 1935,* shall be the sum of the salary shown in column A based on population when added to the salary shown in column B based on taxable valuation.

Salary of sheriff.

Section 2. The salary of the county sheriff shall be *two thousand four hundred dollars ($2,400.00)* in counties where the county treasurer is paid this amount or less, and *three thousand nine hundred dollars ($3,900.00)* in counties having a population of over forty thousand (40,000). In all other counties the salary of the sheriff shall be the same as that of the county treasurer.

Salary of county attorney.

Section 3. The salary of the county attorney shall be *one thousand nine hundred ninety-six dollars ($1,996.00)* in counties of less than four thousand (4,000) population. In counties with a population of over forty thousand (40,000) the salary of the county attorney shall be *three thousand four hundred dollars ($3,400.00).* In all other counties the salary of the county attorney shall be *the same as* that of the county treasurer.

Salary of clerk of district court.

Section 4. The salary of the clerk of the district court shall be the same as that paid to the county treasurer. *The salary of the county auditor, in all counties wherein such office is authorized shall be the same as that paid to the county treasurer.*

Salaries to be fixed annually by county commissioners.

Section 5. In September of any year in which the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, county attorney, or clerk of the district court is to be elected, the county com-

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missioners shall, by resolution, fix the salaries of the officials to be elected in conformity with the schedule in Section 1, based on the population as shown in the last *annual estimation of population of the federal census bureau* and on the taxable valuation of the county at the time the salaries are fixed."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval, but nothing contained herein shall be construed to or shall in any manner effect an increase of the salary or emolument of any of the public officers listed in Section 1 who are in office at the date this act goes into effect, such officers being entitled to the same salaries they are receiving at the date this act takes effect for the remainder of the terms for which they were elected. If a vacancy occasioned by death, resignation, or otherwise, should occur in any of the public offices listed in Section 1 after this act takes effect, the person elected or appointed to fill such vacancy shall be entitled to receive the salary therefor set out in Section 1 of this act.

Construction and application of act.

Vacancies, salary of appointees.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1949.

CHAPTER 178

An Act to Amend Section 3, of Chapter 137, Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, as Last Amended by Chapter 245, Session Laws of the Thirtieth Legislative Assembly of the State of Montana, 1947, Providing for Payment of Benefits Under the Unemployment Compensation Law of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Chap. 137, laws of 1937, as amended, further amended.

Section 1. That Section 3 of Chapter 137, Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as last amended by Chapter 245, Session Laws of the thirtieth legislative assembly of the State of Montana, 1947, be, and the same is hereby amended to read as follows:

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BENEFITS

"Section 3. (a) **Payment of Benefits.** Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52 Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe. Payment of benefits.

(b) **Weekly Benefit Amount for Total Unemployment.** Each eligible individual, who is totally unemployed (as defined in this act), in any week, shall be paid with respect to such week, benefits at the rate of four and one-half per centum (4½%) of his total wages in employment for employers in the quarter of his base period wherein his earnings were highest, if a multiple of a dollar, or computed to the next highest multiple of a dollar, but not more than *twenty dollars ($20.00)* per week, nor less than seven dollars ($7.00) per week. Weekly benefit.

(c) **Wage Record.** The commission shall maintain a record of the wages paid to an individual in accordance with wages earned by him for employment by employers during each quarter. Wage record.

(d) **Duration of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed *eighteen (18)* times his weekly benefit amount." Duration of benefits.

Section 2. If any clause, sentence, section, paragraph or part of this act shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the Separability of act.

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remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval and shall apply as to benefit payments under Section 1 of this act as of March 31, 1949.

Approved March 3, 1949.

CHAPTER 179

An Act to Define, Regulate and License Agencies for the Adoption of Minor Children, Setting Up Minimum Requirements for Such Agencies, Providing for Certified Copies and Cancellation of Licenses, Providing Penalties for the Violation of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person"—definition.

Section 1. The word "person" where used in this act, shall include any individual or individuals, partnership, voluntary association or corporation.

"Agency."

The word "agency" where used in this act, includes any person not related by blood or marriage to any minor child to be adopted. This act shall not apply to the state orphan's home of the State of Montana.

Agencies for adoption of minor children must be licensed.

Section 2. No person shall act as an agency for procuring or selecting proposed adoptive homes or placing minor children in proposed adoptive homes, or soliciting persons to adopt minor children or arranging for persons to adopt minor children who is not the holder of a license secured under the provisions of this act. Licenses shall be valid for the balance of the calendar year in which issued. No fee shall be charged for such license.

Licenses to be issued by department of public welfare.

Section 3. The state department of public welfare is hereby authorized and directed to issue licenses to persons now acting as agencies for procuring the adoption of minor children, or who may desire to operate as such agency in

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the future, and to prescribe the conditions upon which such licenses shall be issued, and to make such rules and regulations for the conduct of the affairs of such agencies as are consistent with the welfare of such minor children, provided, however, that said state department of public welfare must issue licenses to agencies meeting the following minimum requirements:

Minimum requirements for licenses.

(1) The chief function of the agency must be the care and placement of minor children.

(2) The agency must operate on a non-profit basis.

(3) The directing or managing personnel of the agency must be qualified both on the basis of professional education and personality.

(4) Complete records must be kept of both the minor children and adopting parents with which the agency deals, and such records must be confidential.

(5) The agency must follow the practice of verifying that the child is legally available for adoption and of not completing the adoption until the child has been in the proposed adoptive home for a trial period.

(6) The agency must have and use facilities for making a social study of the child and proposed adoptive parents before placement of the child, particularly with regard to (a) the physical and mental health, emotional stability, and personal integrity of the adopting parents, and their ability to promote the child's welfare; and (b) the physical and mental condition of the child, and its family background.

(7) The agency must agree to co-operate with courts having jurisdiction in adoptive matters, and with other public agencies having to deal with the welfare of minor children.

Powers of department of public welfare.

Section 4. The state department of public welfare shall have the power and authority, through its duly authorized representative, to investigate the operations of any such licensed agencies and to cancel licenses theretofore issued for failure to observe prescribed rules and regulations, or to maintain minimum requirements as in the preceding section of this act set out. Such agencies shall give to such representatives all information requested and afford them

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every reasonable facility for observing the operation of such agencies.

Certified copy of license for use in adoption proceedings.

Section 5. Upon the request of any district court, proposed adoptive parents, or agency, a certified copy of any license issued and in good standing shall be furnished by the state department of public welfare for use in any adoption proceeding with which any licensed agency is concerned.

Penalty for violation.

Section 6. Any person who maintains or conducts an agency for procuring the adoption of minor children, or assists in maintaining or conducting of such agency, without first having obtained a license as herein provided, shall be guilty of a felony and upon conviction may be punished by a fine not exceeding one thousand dollars ($1,000.00).

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1949.

CHAPTER 180

An Act to Amend Section 5866 of the Revised Codes of Montana of 1935, Relating to Report and Consent Necessary On the Adoption of a Deserted or Abandoned Minor Child, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5866 R. C. Mont. 1935 amended.

Section 1. That Section 5866 of the Revised Codes of Montana of 1935, be amended to read as follows, to-wit:

Adoption of deserted child.

"Section 5866. **Adoption of Deserted Child.** Whenever it is made to appear to the satisfaction of the district court of any county, that any minor child has been deserted *or abandoned* by its parents or surviving parent, and that it has no legal guardian, it shall be lawful, with the approval of the district judge, for any person desirous of adopting said child to adopt the same according to law *provided, however, that such person present to said court a report from a representative of the state department of public welfare as to the condition and surroundings of the home of the proposed adoptive parents, such report also to con-*

Conditions to be complied with.

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tain all available information regarding said proposed adoptive parents and said child deemed by said state department of public welfare or said judge pertinent in the matter of such adoption, and provided further that the consent of the person or agency or department having the lawful custody of such child be given as provided by law.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1949.

CHAPTER 181

An Act to Amend Section 5859 of the Revised Codes of Montana 1935 as Last Amended by Chapter 51 of the Laws of 1947, Relating to Consent Necessary to Adopt Minor Children, and Repealing Sections 5867, 1507, 1508, 1509 and 1510, of the Revised Codes of Montana, 1935, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5859 of the Revised Codes of the State of Montana of 1935, as last amended by Chapter 51 of the laws of 1947, be amended to read as follows: Sec. 5859 R. C. Mont. 1935, as amended, further amended.

''Section 5859. **Consent of Child's Parents.** A legitimate minor child cannot be adopted without the consent of its parents, if living, nor an illegitimate minor child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect, or who has, in this or any other state, wilfully abandoned a child, or caused the same to be maintained by any public orphans' asylum, home or agency, for one (1) year without contributing to the support of said child; provided, however, that when any such child, being a half-orphan, and kept and maintained within any orphans' home, asylum, or agency in this state for one (1) year or over, may be adopted with the consent of *a licensed adoption agency as defined by law, the state department of public welfare,* Consent of child's parents. Abandoned child. A half-orphan maintained in orphans' home.

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or the Montana state orphan's home without the consent of the parent, unless such parent has paid toward the expenses of the maintenance of such half-orphan at least sixty per cent (60%) of the legitimate cost of keeping and maintaining said child during the said time, if able to do so; and where the parent is a non-resident of this state, said child may be adopted with the consent of *such licensed adoption agency, the state department of public welfare, or the Montana state orphan's home* whenever it has been left by its parents in such home or asylum for more than one (1) year, whether the parent has contributed to its support or not, and the consent of the parent of such half-orphan is not necessary to its adoption whenever *such licensed adoption agency, the state department of public welfare or the Montana state orphan's home* is authorized to give such consent as in this chapter provided, which consent shall be given in the same manner that parents are authorized by law to consent to adoption of their children.

Adoption, when consent of parent not required, procedure for.

Whenever the adoption of a child, whether legitimate or illegitimate, is sought in any petition for adoption, and the case is one in which the consent of the parent is not required, the court may upon the filing of such petition, cause service of process to be made on the parent or parents of the child in the following manner: The court shall order

Citation to parent to show cause.

a citation to issue to the parent or parents in the name of the State of Montana and under the seal of the court, directing such parent or parents to appear in court at a time to be fixed by the court, and show cause why said petition should not be granted; except no citation shall be required in any case where the parent or parents have been deprived of the custody of their child or children by the judgment of a court of competent jurisdiction in a proceeding to have such child or children declared neglected or dependent children, under the provisions of Sections 10465 to 10479.1, inclusive, of the Revised Codes of Montana, 1935, *as amended*. Such citation together with a

Service of

copy of the petition for adoption shall be personally served upon such parent or parents. If, however, any such parent or parents cannot be found within this state, service may be had by publication of a copy of said citation in the manner provided for the publication of summons by Section 9118, Revised Codes of Montana, 1935. If after completion of such service, any parent so served does not appear, the court may act upon the petition, and the order

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of the court thereon shall be binding upon all persons so served; provided that any such person shall have the right to appeal from the order in the manner and form provided for appeals from the judgment in civil actions.'' Right of appeal.

Section 2. Sections 5867, 1507, 1508, 1509, and 1510 of the Revised Codes of the State of Montana of 1935, are hereby repealed. Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1949.

CHAPTER 182

An Act Designating the Salaries of the Governor, Justices of the Supreme Court, Attorney General, Secretary of State, Superintendent of Public Instruction, State Treasurer, Railroad Commissioner, State Auditor and the Clerk of the Supreme Court; and Providing That Such Salaries Shall Not Include Any Traveling, Lodging or Subsistence Incidental to Official Duties of Said Officers; and Repealing Sections 128, 200, 436, and 8796 of the Revised Codes of Montana, 1935, Section 375 of the Revised Codes of Montana, 1935, as Amended by Chapter 64 of the Session Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945; Section 949 of the Revised Codes of Montana, 1935, as Amended by Chapter 177 of the Laws of the Thirtieth Legislative Assembly of the State of Montana, 1947; and Amending Section 378 of the Revised Codes of Montana, 1935, Relating to the Duty of and Compensation for Reporting Decisions by the Justices of the Supreme Court by Removing From Said Section the Provisions for Such Compensation; and Amending Section 162 of the Revised Codes of Montana, 1935, Relating to the Duties of and Compensation for the State Auditor in His Ex Officio Capacity as Commissioner of Insurance by Removing Therefrom the Provisions Providing for Such Compensation; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

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Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of governor and certain other state officers.

Section 1. The annual salaries of the governor, each justice of the supreme court, attorney general, secretary of state, superintendent of public instruction, state treasurer, railroad commissioner and state auditor shall be:

Governor	$10,000.00
Justices of the Supreme Court, each	9,000.00
Attorney General	7,500.00
Secretary of State	5,500.00
Superintendent of Public Instruction	6,000.00
State Treasurer	5,000.00
State Auditor	5,000.00
Clerk of the Supreme Court	4,500.00
Railroad Commissioner	5,000.00

The salary of each such officer shall be for all services required of him or which may hereafter devolve upon him by law, including all services rendered ex officio as a member of any board, commission or committee, but shall not include actual and necessary traveling, lodging and subsistence expenses incidental to his official duties, and provided that the superintendent of public instruction shall also be paid, in addition to the foregoing annual salary, his traveling expenses actually and necessarily incurred in the discharge of his duties, not to exceed two thousand dollars ($2,000.00) in any one (1) year.

Traveling expenses.

Sec. 378 R. C. Mont. 1935 amended.

Section 2. Section 378 of the Revised Codes of Montana, 1935, is hereby amended to read as follows:

Justices of supreme court to report decisions.

"Section 378. **Justices of the Supreme Court to Report Decisions.** The justices of the supreme court shall report the decisions of the supreme court."

Sec. 162 R. C. Mont. 1935 amended.

Section 3. Section 162 of the Revised Codes of Montana, 1935, is hereby amended to read as follows:

Commissioner of insurance.

Deputy.

"Section 162. **The Commissioner of Insurance — Deputy — Salary of Commissioner.** The state auditor, in addition to his present title, shall be hereafter designated as commissioner of insurance. He shall appoint a deputy to be designated as deputy commissioner of insurance, who shall be in charge of the department of insurance in the said auditor's office under the direction and control of said state auditor and commissioner of insurance. The insur-

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ance commissioner shall have and exercise the power to enforce all the laws of the state relating to insurance, and it shall be his duty to enforce all the provisions of such laws for the public good. Provided that nothing herein contained shall be construed to authorize an increase of employees in said office."

Power and duty of insurance commissioner.

Section 4. Sections 128, 200, 436, and 8796, Revised Codes of Montana, 1935; and Section 375, Revised Codes of Montana, 1935, as amended by Chapter 64, laws of 1945; and Section 949, Revised Codes of Montana, 1935, as amended by Chapter 177, laws of 1947; and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1949.

CHAPTER 183

An Act to Amend Section 5119 of the Revised Codes of Montana of 1935, as Amended by the Provisions of Chapter 43 of the Session Laws of the Twenty-sixth legislative Assembly of Montana, 1939, as Amended by Chapter 159 of the Session Laws of the Twenty-ninth Legislative Assembly of 1945, Relating to Disability and Pension Funds of Fire Department Relief Associations and the Tax Levy for Maintaining Same, and Providing a Maximum Levy for Such Provisions by Cities in the Third Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5119 of the Revised Codes of Montana of 1935 as amended by the provisions of Chapter 43 of the Session Laws of the twenty-sixth legislative assembly of 1939, and further amended by the provisions of Chapter 159 of the Session Laws of the twenty-ninth legislative assembly of 1945, be, and the same is hereby amended to read as follows:

Sec. 5119 R. C. Mont. 1935, as amended, further amended.

"Section 5119. For the purpose of maintaining said disability and pension funds of such fire department relief association, in an amount equal to one per centum (1%) of the taxable valuation of all taxable property within the

Special tax for maintaining disability and pension fund.

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limits of *any* city, town or municipality, the city or town council or the commission or *such* other proper authority of any municipality, *as* is now or may hereafter be established, under special or local *laws* passed by the legislative assembly and adopted by the electors *within such city, town or municipality,* entitled to vote thereon, at all times when the said relief association fund *is in a total* amount *of* less than one per centum (1%) of the taxable valuation of all taxable property within the limits of the city, town or municipality, *shall, annually,* in the manner provided by law, at the time of the levy of the annual tax, levy a special tax *as herein below set forth,* which said *special* tax shall be collected as other taxes *are collected* and when so collected shall be paid into the disability and pension fund of the fire department relief association of said city, town or municipality:

Amount of levy for fire department relief association fund, to be one mill, when.

1. *Whenever the total amount of a fire department relief association's fund is greater than one-half of one per centum (½ of 1%) and less than one per centum (1%) of the taxable valuation of all taxable property within the limits of the city, town or municipality, the special tax levy shall be one (1) mill on each dollar of taxable valuation of all property assessed for taxes within the limits of the said city, town or municipality; provided, however, if the assessment of a one (1) mill tax levy in any one year will create a revenue as will cause said fire department relief association's disability and pension fund to exceed one per centum (1%) of the taxable valuation of all taxable property in said city, town or municipality, then, in that event, and not otherwise, the mill tax levy shall be such fractional part of one (1) mill as will produce a sufficient amount of revenue as will bring the total amount of the said fire department relief association's disability and pension fund to an amount equal to one per centum (1%) of the taxable valuation of all taxable property in said city, town or municipality.*

Levy of two mills, when.

2. *Whenever the total amount of a fire department relief association's fund is less than one-half of one per centum (½ of 1%) of the taxable valuation of all taxable property within the said city, town or municipality, the special tax levy shall be two (2) mills on each dollar of taxable valuation of all taxable property assessed for taxes within said city, town or municipality; provided, however,*

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that if the assessment of a two (2) mill tax levy in any one year will create a revenue as will cause said fire department relief association's disability and pension fund to exceed one-half of one per centum (½ of 1%) of the taxable valuation of all taxable property in said city, town or municipality, then, in that event, and not otherwise, the tax levy shall be one (1) mill, as provided in the last preceding paragraph, and such fractional part of one (1) mill as will produce a sufficient revenue as will cause the fire department relief association's disability and pension fund to equal one-half of one per centum (½ of 1%) of the taxable valuation of all taxable property in said city, town or municipality.

In cities of third class, levy of two mills, when.

3. *In cities of the third class, when the fire department relief association's disability and pension fund* contains an amount of less than two per centum (2%) of all taxable property within the city limits of the city, town or municipality, the city council may levy an annual special tax not to exceed two (2) mills on the dollar *of all* taxable valuation of all taxable property assessed within the said city, town or municipality."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after July 1, 1949.

Approved March 3, 1949.

CHAPTER 184

An Act Designating the State Board of Health of Montana as Water Pollution Agency for Purposes of the Federal Water Pollution Control Act; Prescribing Its Powers; Providing for Cooperation With the Surgeon General and Other Agencies of the Federal Government, Other States, Interstate Agencies and Other Interested Parties in All Matters Relating to Water Pollution, Including the Development of Programs for Eliminating or Reducing Pollution and Improving Sanitary Conditions of Waters; Providing for the Application and Expending of Federal Funds; Providing for the Approval of Projects for Which Application for Loans or Grants

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Under the Federal Act is Made by Any Municipality or Agency of the State of Montana or by an Interstate Agency; Providing for the Cooperation of All State Officers, Departments and Institutions With the Water Pollution Agency.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. **Title.** This act may be cited as the "Montana water pollution control act."

Definitions.

Section 2. **Definitions.** As used in this act:

"Federal act."

(a) "Federal act" means the water pollution control act, public law 845, 80th congress (62 Stat. 1155), approved June 30, 1948.

"Surgeon general."

(b) "Surgeon general" means the surgeon general of the public health service of the United States.

"Federal security administrator."

(c) "Federal security administrator" means the administrator of the federal security agency.

State water pollution agency.

Section 3. **State Water Pollution Agency.** The state board of health of Montana is hereby designated as the water pollution agency for this state for all purposes of the federal act and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the federal act.

Powers.

Section 4. **Powers.** In carrying out the purposes of this act, the board is authorized and directed:

Cooperation with surgeon general and other federal agencies.

(a) To cooperate with the surgeon general and other agencies of the federal government, other states, interstate agencies and other interested parties in all matters relating to water pollution, including the development of programs for eliminating or reducing pollution and improving the sanitary condition of waters;

To apply for and receive funds.

Disposition of moneys.

(b) On behalf of this state to apply for and receive funds made available to the board under the federal act by any agency of the federal government; such moneys shall be deposited in the state treasury and shall be expended under the direction of the board solely for the purpose or purposes for which the grant or grants shall have been made;

(c) To approve projects for which application for

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loans or grants under the federal act is made by any municipality or agency of this state or by an interstate agency; Approval of projects.

(d) To participate through its authorized representatives in proceedings under the federal act to recommend measures for abatement of water pollution originating in this state; to give consent on behalf of this state to requests by the federal security administrator to the attorney general of the United States for the bringing of suit for abatement of such pollution; and to consent to the joinder as a defendant in such suit of any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought in such suit. Participation in proceedings for abatement.

(e) To enter into agreements or compacts with any states, not in conflict with any law or treaty of the United States, for cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto. Compacts with other states.

(f) To do any and all acts and things necessary or appropriate to carry out the purpose of this act.

Section 5. **State Officers to Cooperate With the State Water Pollution Board.** The board is hereby authorized to require the assistance, cooperation and services of, and the use of the records and files in all the departments and institutions of the state, and all state officers and the governing authorities of all state institutions are hereby directed to cooperate with the board in furthering the purposes of this act. State officers to cooperate with water pollution board.

Section 6. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable. Severability of act.

Section 7. **Repeal.** All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed. The provisions of this act are however not to be construed to impair or lessen in any manner the existing powers and duties of the state board of health. Repealing clause. Construction of act.

Section 8. **Effective Date.** This act shall take effect from and after its passage and approval. Effective date.

Approved March 13, 1949.

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CHAPTER 185

Title of act.

An Act Amending Section 3449 of the Revised Codes of Montana, 1935, Relating to the Qualifications of State Coal-mine Inspector; and Amending Section 3450 of the Revised Codes of Montana, 1935, as Amended by Chapter 113, Session Laws, 1941, and Chapter 38, Session Laws, 1945, Relating to the Powers and Duties of the State Coal-mine Inspector; and Amending Section 3453 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws, 1945, Relating to the Posting of Statements At Mine Entrances; and Amending Section 3459 of the Revised Codes of Montana, 1935, Relating to the Appointment of the Board of Examiners; and Amending Section 3460 of the Revised Codes of Montana, 1935, Relating to Examination of Applicants —Scope—Certificates of Competency—and Revocation; and Amending Section 3461 of the Revised Codes of Montana, 1935, Relating to the Method of Making Applications for Examinations; and Amending Section 3463 of the Revised Codes of Montana, 1935, Relating to Meetings of Examining Board and Method of Grading; and Amending Section 3467 of the Revised Codes of Montana, 1935, Relating to the Board of Examiners for State Coal-mine Inspector; and Amending Section 3473 of the Revised Codes of Montana, 1935, Relating to the qualifications of Mine Examiners; and Amending Section 3474 of the Revised Codes of Montana, 1935, Relating to the Granting of Certificates by the Examining Board; and Amending Section 3476 of the Revised Codes of Montana, 1935, Relating to Applications and Fees for Examinations; and Amending Section 3478 of the Revised Codes of Montana, 1935, Relating to Violations; and Amending Section 3480 of the Revised Codes of Montana, 1935, Relating to Underground Surveys; and Amending Section 3484 of the Revised Codes of Montana, 1935, Relating to Mine Surveys; and Amending Section 3489 of the Revised Codes of Montana, 1935, Relating to Hoisting; and Amending Section 3492 of the Revised Codes of Montana, 1935, Relating to Mine Openings and Escapeways; and Amending Section 3496 of the Revised Codes of Montana, 1935, Relating to Surface Buildings; and Amending Section 3501 of the Revised Codes of Montana, 1935, as Amended by Chapter

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146, Session Laws, 1937; by Chapter 145, Session Laws, 1939, and by Chapter 38, Session Laws of 1945, Relating to Ventilation of Mines; and Amending Section 3509 of the Revised Codes of Montana, 1935, Relating to Mine Timber and Supplies; and Amending Section 3510 of the Revised Codes of Montana, 1935, Relating to Mine Transportation; and Amending Section 3515 of the Revised Codes of Montana, 1935, Relating to the Duties of Mine Foreman; and Amending Section 3516 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws, 1945, Relating to Duties of Mine Examiners; and Amending Section 3521 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws, 1945, Relating to Explosives and Blasting; and Amending Section 3538 of the Revised Codes of Montana, 1935, Relating to Reports to State Coal-mine Inspector; and amending Section 3539 of the Revised Codes of Montana, 1935, Relating to Duty of State Coal-mine Inspector; and Amending Section 1 of Chapter 32 of the Session Laws of Montana, 1945, Relating to Electricity; and Specifically Repealing Section 3475 of the Revised Codes of Montana, 1935, Relating to Certificates Issued to Those Holding Certificates From Other States; and Repealing Section 3490 of the Revised Codes of Montana, 1935, Relating to Passageway Around Bottom of Shafts; and Repealing Section 3491 of the Revised Codes of Montana, 1935, Relating to Gates At the Top of Shafts; and Repealing Section 3493 of the Revised Codes of Montana, 1935, Relating to Number of Men That Can Be Employed Until Escapement Connection Is Completed; and Repealing Section 3494 of the Revised Codes of Montana, 1935, Relating to Passageways to Escapements; and Repealing Section 3495 of the Revised Codes of Montana, 1935, Relating to Distance of Escapement From Main Shaft; and Repealing Section 3497 of the Revised Codes of Montana, 1935, Relating to Stairways or Cages in Escapement Shafts; and Repealing Section 3503 of the Revised Codes of Montana, 1935, Relating to Number of Persons Permitted to Work in One Air Current; and Repealing Section 3504 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws 1945, Relating to Cross-cuts and Brattices for Ventilation; and Repealing Section 3505 of the Revised Codes of Montana, 1935, Relating to Operation

Title of act.

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of Ventilating Fans, Furnaces, Etc.; and Amending Chapter 30, Sections 1 and 2, Session Laws of 1945, Relating to Regulating and Defining Gaseous Mines; and Repealing Section 3522 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws 1945, Relating to Manner of Handling Explosives; and Repealing Section 3523 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws 1945, Relating to Tamping Tools; and Repealing Section 3524 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws 1945, Relating to System of Blasting; and Repealing Section 3527 of the Revised Codes of Montana, 1935, as Amended by Chapter 38, Session Laws 1945, Relating to Duties of Motormen, Trip Riders, and Drivers; and Repealing Section 3529 of the Revised Codes of Montana, 1935, Relating to Persons Permitted to Ride On Haulage Trips; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Title of act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3449 R. C. Mont. 1935 amended.

Section 1. That Section 3449 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Qualifications of inspector.

"Section 3449. **Qualifications of Inspector.** No person shall be eligible to the office of state coal mine inspector until he shall have attained the age of *thirty-five* years. He shall be a citizen of the United States, a qualified resident of the State of Montana, shall have been actually employed at coal mining *fifteen* years prior to his appointment, and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. He shall have passed a successful examination by the board of examiners, and his certificate of qualification shall have been filed with the governor by the said board of examiners, as provided by law, *provided, however, that the industrial accident board shall have the power to grant a permit to a person to perform the duty of state coal mine inspector, as provided for in this act, who may be employed until such time as the person so employed has had an opportunity to be examined as to his competency by the board of*

Temporary permit to one holding a mine foreman's certificate to perform duty of inspector.

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examiners and, provided further, that such person be the possessor of a mine foreman's certificate from the State of Montana."

Sec. 8450 R. C. Mont. 1935, as amended, further amended.

Section 2. That Section 3450 of the Revised Codes of Montana, 1935, as amended by Chapter 113 of the Session Laws of 1941, and Chapter 38 of Session Laws of 1945, be, and the same is hereby amended to read as follows:

Powers and duties of inspector.

"Section 3450. **Powers and Duties of Inspector.** The state coal mine inspector shall have the right, and it is hereby made his duty, to enter, inspect and examine any coal mine or any shaft, drift, or slope in the process of sinking for the purpose of mining coal in this state, and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine. He shall also have the right and it is his duty to make inquiry into the conditions of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for the regulation of coal mines, or other acts which may hereafter be enacted governing coal mines, have been complied with. Said inspector or his deputy or deputies shall immediately notify the owner, lessee, superintendent, or mining boss of the discovery of any violation of the mining laws of this state, and of the penalty thereby imposed for such violations; and in case such notice is disregarded, such inspector or deputy or deputies shall have the power to stop immediately the working and operation of any mine or any part thereof where any dangerous or unlawful conditions are found; provided, however, that where conditions justify him in so doing he may grant a reasonable length of time for making repairs or for putting such mine in proper condition, *but the number of men employed in the mine or in the section of the mine involved shall be limited to those necessary to correct the unsafe condition;* and provided further, that where any stops or cessation of work are enforced, such inspector or deputy or deputies shall have the power thereafter to allow such mine or part of a mine to be reopened

May stop working of mine, when.

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when the dangerous or unlawful conditions therein existing are removed or remedied so that they no longer exist.

Penalty for wilful obstruction of inspector.

Every person, company or corporation who wilfully obstructs the state inspector of coal mines or his deputy or deputies in the execution of his or their duties under this act, and every owner, agent, officer, lessee or manager of a coal mine who refuses or neglects to furnish to the said inspector or his deputy or deputies the means, information, or opportunity necessary for making any entry, inspection, examination or inquiry of or relating to any coal mine in this state, as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars ($200.00) and not exceeding five hundred dollars ($500.00).

Related rights and duties of owners and inspector.

The owner, lessee, operator, superintendent, or mining boss of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry, and exit. It shall also be the duty of the said coal mine inspector to carefully examine all the coal mines in operation in this state at least every three (3) months, and oftener if necessary, to see that every precaution is taken to insure the safety of all workmen that may be engaged in said coal mine. The said inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. In the event the inspector has in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employer and the employees that he is about to make such inspection. The employees shall have the right, when they so desire, to appoint a competent employee to represent them and accompany the state coal mine inspector in making any official mine inspection. The inspector may also, if he so desires, request some employee to accompany him in making his inspections. The owner or operator shall at all times have the right to personally accompany the inspector while inspecting his property, or to designate some one to so accompany him."

Sec. 3453 R. C. Mont. 1935, as amended, further amended.

Section 3. That Section 3453 of the Revised Codes of Montana, 1935, as amended by Chapter 38 of Session Laws of 1945, be, and the same is hereby amended to read as follows:

"Section 3453. **Inspector to Post Statement of Mine at Entrance.** The state coal mine inspector shall post in some

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conspicuous place at the top of each mine visited and inspected by him a plain statement of the conditions of such mine, showing what, in his judgment, is necessary for the better protection of the lives and health of persons employed in such mine; such statement, signed by the inspector, shall give the date of inspection, the number of cubic feet of air per minute in circulation at the last open cross-cut of each and every entry, and the last open cross-cut in each and every active room or working place, and such other information as he shall deem necessary. Where a local union has jurisdiction over the mine inspected, the inspector will mail a copy of said statement of conditions to the secretary *and district office of the local union having jurisdiction at the mine* within one week after making such inspection. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this act. He must observe especially that the code of signals provided in the act of regulating coal mines between engineer and top-men and bottom-men is conspicuously posted for the information of all employees."

Inspector to post statement of mine at entrance.

Copy of statement to be mailed secretary and district office of local union.

Section 4. That Section 3459 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3459 R. C. Mont. 1935 amended.

"Section 3459. **Board of Examiners of Applicants for Coal Mine Inspector, Foreman and Examiner — Appointment.** The industrial accident board of the state shall within sixty days after the approval of this act, upon the recommendation of the coal miners of the state, appoint one practical coal miner, who shall be a certified mine foreman, and actively employed in coal mining in the State of Montana; one mine manager or superintendent who shall be recommended to the industrial accident board by a majority of the coal operators of the State of Montana, who, with the state coal mine inspector, shall constitute a board of examiners to pass upon the qualifications of all applicants for the position of mine foreman and mine examiner for the State of Montana. They shall hold office for four (4) years and until their successors, appointed in the same manner, are appointed and qualified. Vacancies upon the said board of examiners shall be filled by the industrial

Board of examiners of applicants for inspector, foreman and examiner.

Appointments.

Term of office.

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accident board, in accordance with the intent and provisions of this act. *The board of examiners to pass upon the qualifications of all applicants for the position of state coal mine inspector shall consist of one practical coal miner, recommended by the coal miners, who shall be a certified mine foreman and actively employed in coal mining in the State of Montana; one mine manager or superintendent, who shall be recommended to the industrial accident board by a majority of the coal operators of the State of Montana, and a third member from the State of Montana, who shall be selected by the first two members. All members of the board shall be present during the entire time that the examinations are being conducted and shall actively participate in the conduct of such examinations.*"

Members of board to be present at examinations.

Sec. 3460 R. C. Mont. 1935 amended.

Section 5. That Section 3460 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Examination of applicants for position of inspector.

"Section 3460. **Examination of Applicants — Scope — Certificates of Competency — Revocation.** It shall be the duty of the said board to examine into the qualifications of all applicants for the appointment to the position of state coal mine inspector, and applicants for the examination for mine foreman and mine examiner of the State of Montana by conducting a thorough examination as to their knowledge of mine workings, ventilation, gases, firedamp, machinery and actual experience in underground coal mining, and general worthiness of each applicant. The examination for state coal mine inspector shall be in writing, and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of *thirty-five* years; has had at least *fifteen* years' experience in underground coal mining in the United States, and at least *five* years' experience in underground coal mining in the State of Montana; and the manuscript and other papers of all applicants, together with the tally sheet and the solution of each question as given by the examining board, shall be filed with the industrial accident board as public documents, but such applicant shall undergo an oral examination pertaining to *theoretical and practical mining on the nature and properties of noxious, poisonous and explosive gases found in the mines and methods for their detection and on the different systems of working and ventilating*

Affidavit to accompany written examination.

Oral examination.

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coal mines. The board of examiners shall file with the industrial accident board the names of all persons who shall have successfully passed the examination. From those so named the industrial accident board shall select one person to be state coal mine inspector, but no man shall be eligible for the appointment as state coal mine inspector who has any pecuniary interest in any coal mines, either directly or indirectly, as owner, lessee, or employer, or otherwise.

Examination of applicants for position of mine foreman.

(a) The examination for mine foreman shall consist of oral and written questions, on theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines *and methods of their detection*, and on the different systems of working and ventilating coal mines. The board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, but such certificates shall be granted only to persons of *thirty* years of age, or over, of good, moral character, citizens of the United States and residents of the State of Montana, and with at least five years' practical experience in *underground mines* as a coal miner *one of which shall be in the State of Montana. Applicants for the position of mine foreman shall furnish sworn affidavit or affidavits from employer or employers as to experience.*

Qualifications required for certification of mine examiner or fire boss.

(b) Persons seeking certificates of competency as mine examiner or fire boss must produce evidence, satisfactory to the board, that they are citizens of the United States, residents of the State of Montana; have had at least five years' practical experience *in underground mines in the State of Montana*, as a coal miner; at least *thirty* years of age, and of good repute and temperate habits. They must prepare to submit to, and satisfactorily pass, an examination as to their experience in mines generating dangerous and explosive gases; their practical and technical knowledge of the nature and properties *of mine gases and methods for their detection*, the laws of ventilation, and the structure and use of the safety lamp. Manuscripts and other papers of all the applicants for the position of mine foreman, and mine examiner, together with the tally sheets and the solution of each question as given by the examining board, shall be filed with the industrial accident board as public documents. All papers and blanks, blank books and

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stationery used at the examination, must be furnished by the industrial accident board, and each candidate for examination for the position of state coal mine inspector, mine foreman, and mine examiner shall be given such questions, as are required, in writing, and each question shall be on a separate paper. Candidate must return such papers to the board, with answers to questions thereon, attested by his signature.

Revocation of certificate of competency of foreman, fire boss or mine examiner.

(e) When any person having been granted a certificate of competency by the State of Montana, to act as mine foreman, fire boss or mine examiner, is charged with gross or criminal carelessness, or intemperance, while in the performance of his duties, it shall be the duty of the state coal mine inspector to make a thorough investigation of the charge, and, upon satisfactory proof of such charge, to revoke said certificate of competency; provided, that such person whose certificate has been so revoked may appeal from such action of the state coal mine inspector to the state board of coal mine examiners, but such revocation shall continue until the state board of coal mine examiners, as provided for in this act, shall otherwise determine."

Sec. 3461 R. C. Mont. 1935 amended.

Section 6. That Section 3461 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Applications for examinations for inspector — how made.

"Section 3461. **Applications for Examinations — How Made.** Applications to the said board for examination for state coal mine inspector must be made in writing, and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of *thirty-five* years; has had at least *fifteen* years' experience in underground coal mining in the United States, and at least *five* years' experience in underground coal mining in the State of Montana."

Sec. 3463 R. C. Mont. 1935 amended.

Section 7. That Section 3463 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Oath of members of board of examiners.

"Section 3463. **Oath and Meetings of Examining Board — Basing Per Cent.** The board of examiners appointed under this act shall each take the constitutional oath before some person duly authorized by law to administer an oath.

The board shall meet at the call of the state coal mine

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inspector for the purpose of examining applicants as provided for in Section 3459 of this code, on the second Monday in June of each year, in the city of Billings, in the county court house, and on the third Monday in June of each year, in the city of Great Falls, in the county court house. Public notice of meetings of the board for the purpose of holding examinations, shall be given by the board, by posting of notices in the postoffice and at the coal mines in the several coal mining towns throughout the state, at least fifteen days previous to the examination, and the publication in at least one paper in the county wherein coal mines are located, two consecutive weeks previous to the holding of examination. Meetings.

No person shall be certified as competent whose *grade on any one subject* shall be less than seventy-five per cent, and his certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by *all members* of the examining board. The examining board shall, immediately after the examination, furnish to each person who comes before it to be examined, a copy of all questions, whether oral or written, which are given at the examination, which shall be marked solved right, imperfect or wrong, as the case may be, together with a certificate of competency to each candidate *who successfully passes the examination.*" Minimum grade for certification.

Section 8. That Section 3467 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3467 R. C. Mont. 1935 amended.

"Section 3467. *Boards* **of Examiners of Coal Mine Inspectors,** *Mine Foremen and Mine Examiners.* Every four years the industrial accident board shall in the manner provided in Section 3459 of this code appoint *boards* of examiners to pass upon the qualifications of applicants for coal mine *inspectors, mine foremen and mine examiners,* which *boards* shall be constituted, sworn and paid, and shall perform the same duties as the *boards* provided for in said section during the *terms* for which they were appointed." Boards of examiners of inspectors, foremen and mine examiners.

Section 9. That Section 3473 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3473. R. C. Mont. 1935 amended.

"Section 3473. **Qualifications for Mine Examiners.** Persons seeking certificates of competency as mine examiners Qualifications for mine examiners.

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or fireboss must produce evidence satisfactory to the board that they are citizens of the United States, residents of the State of Montana, have had at least five years' practical experience in working of *underground* coal mines *one of which shall be in the State of Montana*, at least *thirty* years of age, and of good repute and temperate habits. They must prepare to submit to and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of *mine gases and methods for their detection*, the laws of ventilation, and the structure and use of the safety lamp."

Sec. 3474 R. C. Mont. 1935 amended.

Section 10. That Section 3474 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Called meetings of board of examiners.

Certification of foreman, and mine examiner or fire boss.

"Section 3474. **Examining Board shall grant certificates.** The said board of examiners shall meet at the call of the state coal mine inspector, who shall call them upon receipt of *two* requests for examination, and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified, or mine examiner or fire-boss, and such certificates shall be sufficient evidence of the holder's competency for the duties of said position as far as it relates to the purpose of this act. No person shall be certified as competent whose *grade on any one subject* shall be less than seventy-five per centum and such certificates shall designate the position qualified for, and shall be valid only when signed by *all members* of the examining board."

Sec. 3476 R. C. Mont. 1935 amended.

Section 11. That Section 3476 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Application for examination, procedure for.

"Section 3476. **Applications for Examination — How Made — Fees.** An applicant for examination for any certificate herein provided for, before being examined, shall register his name with the state coal mine inspector and file with him the credentials required by this act, to-wit, an affidavit as to all matters of fact establishing his right to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten of the citizens who know him best in the place in which he lives. Each candidate, before receiving

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the examination, shall pay to the state coal mine inspector the sum of two dollars *($2.00)* as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the state coal mine inspector the further sum of three dollars *($3.00)* each as a certificate fee. All such fees shall be duly accounted for by the state coal mine inspector, and turned into the state treasurer at the close of the fiscal year." Fees.

Section 12. That Section 3478 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3478 R. C. Mont. 1935 amended.

"Section 3478. **Violations.** Any person who acts in the capacity of mine foreman, mine examiner, or fire-boss, without a certificate of competency as provided for in this act, shall be deemed guilty of an offense against this act. Violations.

Every company, corporation, association, person, or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, mine examiner, or fire-boss, shall be deemed guilty of an offense against this act."

Section 13. That Section 3480 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3480 R. C. Mont. 1935 amended.

"Section 3480. **Underground Survey.** For the underground working the said map shall show all shafts, slopes, tunnels, or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and cross-cuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift, or slope in either direction to the face of the workings, the location of the fan, the location of the permanent pumps, hauling engines, engine-planes, and fire-walls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam." Underground survey.

Section 14. That Section 3484 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3484 R. C. Mont. 1935 amended.

"Section 3484. **Annual Surveys.** An extension of the last preceding survey of every mine in active operation Semi-annual surveys.

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shall be made once in every *six* months and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plan or new work in the mine, and all extensions of the workings to the most advanced boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the state coal mine inspector, or new copies thereof be furnished him, within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the state coal mine inspector fail, for a period of three months, to furnish the said state coal mine inspector the map or plan of such mine, or a copy thereof, or of the extension thereto, as provided for in this act, the said state coal mine inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or *lessee* thereof, and the cost of the same may be recovered by law from said owner, *lessee*, or operator, in the same manner as other debts by suit in the name of the state.

Extension of preceding survey.

The state inspector shall require an extension of the last preceding survey, once every twelve months, of every mine in active operation in which five men or less are employed on any one shift."

Sec. 3489 R. C. Mont. 1935 amended.

Section 15. That Section 3489 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Hoisting operations and facilities.

"Section 3489. *Hoisting operations and facilities. Hoists used for handling men shall be equipped with overspeed, overwind, and automatic stop controls, unless a second engineer is on duty.*

At the beginning of each shift and after the hoist has been idle, the hoisting engineer shall operate the cages up and down the shaft at least one round trip before hoisting or lowering men. Similar procedure shall be followed in slope hoisting, except that an attendant may ride on the trip.

Slope, shaft or incline-plane hoists shall be equipped with brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope or on the incline.

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An accurate and reliable indicator, showing the position of the cage or trip, shall be placed so as to be in clear view of the engineer, unless the position of the car or trip is clearly visible to the engineer at all times.

Hoisting operations and facilities.

Hoisting equipment shall be inspected daily and a record made of such inspection, which shall be open for inspection by interested persons.

Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety as defined in the American standards association's wire rope standards and shall be replaced when it shows more than six broken wires in any single length or lay of rope.

The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum (in case of a free drum) and be fastened securely by means of clamps.

A hoisting rope shall be fastened to its load by a spelter-filled socket or by a thimble and clamps.

Cages used for hoisting men shall be of substantial construction; with adequate steel bonnets; with enclosed sides; with gates, safety chains, or bars across the ends of the cage when men are being hoisted or lowered; and with sufficient handholds or chains for all men on the cage to maintain their balance.

The floor of the cage shall be constructed so that it will be adequate to carry the load and so that it will be impossible for a workman's foot or body to enter any opening in the bottom of the cage.

Cages used for handling men shall be equipped with safety catches that act quickly and effectively in an emergency.

Cages shall be inspected daily. A test of safety catches on cages shall be made at least every two months. A written record shall be kept of inspections and tests, which shall be open for inspection by interested persons.

There shall be at least two independent methods of signalling, one of which shall be audible to the engineer, from all landings in shafts and slopes.

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Workmen shall wear safety belts while doing repair work in or over shafts.

Shafts shall be equipped with self-closing or manually controlled safety gates at surface landings.

Hoisting operations and facilities.

Positive stop blocks or derails shall be placed near shaft surface landings.

At the bottom of each hoisting shaft and at intermediate landings, a 'run-around' shall be provided for safe passage from one side of the shaft to the other. This passageway shall be not less than 5 feet in height and 3 feet in width.''

Sec. 3492 R. C. Mont. 1935 amended.

Section 16. That Section 3492 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Mine openings and escapeways.

''Section 3492. *Mine Openings and Escapeways. Every underground mine shall have at least two separate surface openings.*

Main slope or drift openings shall be separated by at least fifty (50) feet of natural ground in all mines opened after the effective date of this act.

New shafts and partitions therein, made after the effective date of this act, shall be fireproof. Buntons and guides may be of wood.

Mine openings at isolated locations, where there is danger of fire entering the mine, shall have adequate protection against surface fires entering the mine.

Not more than twenty (20) persons shall be allowed at any one time in the mine until a connection has been made between the two mine openings, and work shall be prosecuted with reasonable diligence.

When only one main opening is available, owing to final mining of pillars, not more than twenty (20) persons shall be allowed in such mine at any one time.

There shall be at least two travelable passageways, to be designated as escapeways, from each working section to the surface whether the mine openings are shafts, slopes, or drifts. They shall be kept in safe condition for travel and reasonably free from standing water and other obstructions. One of the designated escapeways may be the haulage

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road, provided, however, that one of the escapeways shall be ventilated with intake air. At mines now operating with only one free passageway to the surface, immediate action shall be taken to provide a second passageway.

Mine openings and escapeways.

Where the designated escapeways are shafts:

They shall be equipped with hoist and cage, or with travelable stairway, or ladders. No shaft more than 30 feet deep sunk after the effective date of this act shall be equipped with ladders.

Stairways shall be of substantial construction, set at an angle not greater than 45 with the horizontal, and equipped on at least one side with a suitable handrail; landing platforms shall be at least two (2) feet wide and four (4) feet long and shall be railed properly.

Ladders shall be anchored securely.

Where ladders, or stairways set at an angle greater than forty-five degrees (45) are now installed, their use may be continued provided they are of substantial construction, with platforms at intervals of not more than thirty (30) feet and equipped with a hand rail in the case of stairways.

If a designated escapeway is a slope of not more than forty-five degrees (45) it shall be equipped with a stairway or adequate walkway with cleats. If the slope is more than forty-five degrees (45) stairways shall be installed.

Direction signs shall be posted conspicuously to indicate manways and designated escapeways."

Sec. 3496 R. C. Mont. 1935 amended.

Section 17. That Section 3496 of the Revied Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Buildings on surface.

"Section 3496. **Buildings on Surface.** *In dusty locations, electric motors, switches, and controls shall be of dust tight construction unless they are in reasonably dust tight housings or enclosures.*

Structures shall be kept free of coal dust accumulations.

Where coal is dumped at or near intake openings, reasonable provisions shall be made to prevent the dust from entering the mine.

Where repairs are being made to the plant, proper

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scaffolding and proper overhead protection shall be provided for workmen wherever necessary.

Welding shall not be done in dusty atmospheres or dusty locations, and fire-fighting apparatus shall be readily available during welding.

Naptha or other flammable liquids in lamp houses shall be kept in approved containers or other safe dispensers.

Flame safety lamps shall be permissible and maintained in permissible condition. All flame safety lamps shall be checked by the persons using them, by a qualified lamp attendant, or by a fire-boss, immediately before entering the mine.

When not in service, flame safety lamps and electric lamps shall be under the charge of a responsible person.

Stairways, elevated platforms, and runways shall be equipped with handrails.

Elevated platforms and stairways shall be provided with toe-boards where necessary, and they shall be kept clear of refuse and maintained in good repair.

Housekeeping in and around building.

Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails, and broken glass.

Oil, grease, and similar flammable materials shall be stored in closed containers, separate from other materials so as not to create a fire hazard to nearby buildings or mines. If oil or grease is stored in a building, the building or the room in which it is stored shall be of fire-resistive material and well ventilated. Tight metal receptacles shall be provided for oily waste.

Smoking in or about surface structures shall be restricted to places where it will not cause fire or an explosion.

Fire doors.

Unless existing structures located within 100 feet of any intake mine opening are of reasonably fireproof construction, fire doors shall be erected at effective points in such mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation.''

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Section 18. That Section 3501 of the Revised Codes of Montana, 1935, as amended by Chapter 146, Session Laws of 1937; Chapter 145, Session Laws of 1939, and Chapter 38, Session Laws of 1945, be, and the same is hereby amended to read as follows:

Sec. 3501 R. C. Mont. 1935, as amended, further amended.

"Section 3501. **Ventilation of Mines.** *Mines shall be ventilated by means of main fans which shall be installed on the surface in fireproof housings, situated not less than 15 feet from the nearest side of the mine opening, and be equipped with fireproof air ducts and ample pressure relief or explosion doors. However, present fans that are offset any distance from the mine opening need not be moved if they otherwise comply with the provisions of this section.*

Ventilation of mines.

In nongassy mines where face workings are 500 feet or less from the portal, provision requiring a main ventilating fan may be waived by the state inspector.

In lieu of requirements for the location of the fan and the pressure-relief or explosion doors, the fan may be directly in front of, or over, the mine opening, provided the opening is not in direct line with possible forces coming out of the mine if an explosion occurs, and provided further that there is another opening having a weak-wall stopping or explosion doors that would be in direct line with the forces coming out of the mine if an explosion occurs, such opening to be not less than 15 feet nor more than 100 feet from the fan opening.

No main fan shall be allowed in any mine.

The fan shall be on a separate power circuit, independent of the mine circuit.

Main fan installations shall be protected from wood fire, grass fire, and rubbish for at least 100 feet in all directions, from the fan installations where physical conditions permit.

The fan shall be inspected daily and a record kept of the inspection, which shall be open for inspection by interested persons.

When the main fan in gassy mines fails or stops, immediate action shall be taken to cut off the power and withdraw the men from the face regions of the mine. If ventilation is restored in a reasonable time, the face regions and other places where methane is likely to accumulate

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shall be re-examined by certified or capable supervisors, and if found to be free from explosive gas, power may be restored and work resumed. If ventilation is not restored in a reasonable time, all underground employees shall be removed from the mine.

Ventilation of mines.

Main fans shall be operated continuously except when the mine is shut down with all men out of the mine. In such event, after the fan has been started, the mine shall be examined for gas and other hazards and made safe before men, other than the examiners, are permitted in the mine.

Booster fans, when permitted.

After the effective date of this act, the installation of booster fans shall not be permitted, unless after a finding by the state coal mine inspector, that such installation is necessary for the safe operation and proper ventilation of the mine, and that it would not materially increase the hazard of the mine. In mines where such fans are now being used, their use may be continued, but they or any new installations shall be surrounded with safeguards as follows:

The fan motor shall be an enclosed type, the surroundings of the fan fireproofed, and the fan installed and located so as to prevent recirculation of air.

Passageway by the fan installation shall be by means of an air lock, the doors of which shall have at least 30 square feet cross-sectional area and open automatically when the fan stops operating.

In case of booster-fan stoppage, the procedure hereinbefore contained in this act with respect to stoppage of main fans shall apply to the section of the mine affected. Inspected at least twice each shift and provided with a signal light, audible signal, or attended constantly.

Blower fans with tubing shall be surrounded with safeguards as follows:

In gassy mines the fan shall be powered with a permissible driving unit and installed on the intake air side of and not less than 16 feet from the entrance to the place to be ventilated.

The volume of air in which the fan is placed shall be at least 2½ times the manufacturers' maximum rated capacity of the fan.

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The fan tubing shall be maintained in good condition. The discharge end of the tubing shall be kept within 35 feet of the face, and not more than 300 feet of the tubing shall be extended from the fan.

Ventilation of mines.

In gassy mines places ventilated by means of blower fans shall be examined for methane by a certified official or other competent person designated by the mine foreman before the fan is started at the beginning of the shift and after the interruption of fan operation for 5 minutes or more during the shift.

Accumulation of methane shall not be moved by means of a blower fan and tubing; only line brattice shall be used for this purpose.

The fan and tubing shall be inspected at least twice during each working shift.

The main intake air current shall when necessary be divided into splits utilizing air crossings, where needed, so as to ventilate all parts of the mine effectively.

The number of men on a split shall be limited to 70.

The quantity of air reaching the last open cross-cut in any pair or set of entries shall not be less than 6,000 cubic feet a minute. However, the quantity of air reaching the last open cross-cut in any pair or set of entries in pillar sections may be less than 6,000 cubic feet a minute, provided that at least 6,000 cubic feet a minute is being delivered to the intake end of the pillar line. Mines now operating without the prescribed quantity of air in the last open cross-cut of each pair or set of entries may continue to operate in such manner, but prompt action shall be taken to deliver the required minimum volume of air in the last open cross-cut of each pair or set of entries in the mine.

When the working faces are within 500 feet of the portal, the state inspector may waive the requirement of 6000 cubic feet of air a minute reaching the last open cross-cut in any pair or set of entries or on the intake side of a pillar section, provided the volume and velocity of the air at the working faces required under this section are met.

In gassy mines the main haulage system shall be on the intake airway, and hereafter when any new shaft, slope,

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or drift is opened, whether classified gassy or nongassy, the main haulage system shall be on the intake airway.

The air current at working faces shall under any condition have a sufficient volume and velocity to dilute and carry away smoke from blasting and any flammable or harmful gases.

Periodical measurement of air.

At least once each week, the mine foreman, his assistants, or other competent persons designated by the mine foreman, shall measure the volume of air near the main intake or main return, the amount passing through the last open cross-cuts of entries, and the volume of air in each split.

Record and report of.

A record of these measurements shall be kept in a book on the surface and shall be open for inspection by interested persons. On or about the first day of each month the owner, operator, or superintendent shall mail or cause to be mailed to the state coal mine inspector a true copy of the air measurements recorded in said book.

The main intake and main return air currents in slope mines driven after the effective date of this act shall be in separate openings. The main intake and main return air currents in a single shaft sunk after the effective date of this act shall be separated by a curtain wall or partition substantially constructed of fireproof material.

Battery charging stations, and transformer stations containing liquid filled transformers shall be well ventilated by separate splits of air conducted through vents to the return air courses and returning direct to the surface.

Changes in ventilation that may effect the safety of the men shall be made when the mine is idle and with no men in the mine, other than those engaged in changing the ventilation.

Air in which men work or travel in mines shall be improved when it contains less than 19.5 percent oxygen, more than 0.5 percent carbon dioxide, or is contaminated with noxious or poisonous gasses.

If the air immediately returning from a split that ventilates any group of active workings contains more than 1.0 percent methane, as determined with a permissible flame safety lamp, by air analysis, or by other recognized means of accurate detection, the ventilation shall be improved.

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If the air immediately returning from a split contains 1.5 percent methane, the employees shall be withdrawn from the mine or portion of the mine affected, and all power shall be cut off from said mine or portion of the mine, until such dangerous condition has been corrected.

Ventilation of mines.

At working faces and other places where methane has accumulated and is likely to attain an explosive mixture, blasting shall not be done and the men shall be removed from such working faces or places until such condition has been corrected.

When the methane content of air in face operations exceeds 1 per cent at any point not less than 12 inches from the roof, face, or rib, as determined by a permissible flame safety lamp, or by chemical analysis, the men shall be removed from the affected area until the condition has been corrected by improving the ventilation.

Cross-cuts between entries and rooms shall be made at intervals not exceeding 80 feet.

Cross-cuts between entries shall be closed, except the last one in a pair or set of entries.

Where necessary to obtain a movement of air to the face of a room to clear the room of flammable or noxious gases, cross-cuts between rooms shall be closed, except the one nearest the face.

Where practicable a cross-cut shall be provided at or near the face of each entry or room before the place is abandoned.

Entries, rooms, or chutes shall not be turned off an entry beyond the last cross-cut. This does not apply to the driving of such places to make a connection at the first cross-cut or similar passageway used as a main airway in connection with an entry. It does apply to extending such places beyond the airway before the main intake and return passageways are connected.

On entries other than room entries, stoppings in cross-cuts between intake and return airways shall be built of substantial, incombustible material such as concrete, concrete blocks, brick, or tile. In mines where physical conditions exist because of heavy or caving ground so as to make the use of concrete, concrete blocks, brick, or tile imprac-

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ticable, timbers laid longitudinally 'skin to skin' may be used.

Ventilation of mines.

Doors used on main-entry or cross-entry (entries from which room entries are turned) haulage roads, which when open would connect intake and return air courses ventilating the mine inby such doors, shall be in pairs to provide an air lock large enough to contain an entire trip; provided however, when only a single door is installed, such single door shall be attended except in the case of panel or room entries in process of development. Where air-lock doors are provided, there shall be sufficient leakage to prevent accumulations of methane between the doors.

Doors shall be kept closed except when men or equipment are passing through the doorways. Motor crews and other persons who open doors shall see that the doors are closed before leaving them.

Substantially constructed line brattice shall be used from the last open cross-cut of any entry or room, when necessary to remove gases, explosive fumes, and smoke. When damaged by falls or otherwise they shall be repaired promptly.

The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

Flame resistive material shall be used in the construction of line brattice.

The entrances to abandoned workings shall be posted to warn unauthorized persons against entering the territory.

Abandoned workings shall be sealed or ventilated.

Where the practice is to seal abandoned workings, the sealing shall be done in a substantial manner with incombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gasses behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure.

In gassy mines air that has passed through or by abandoned sections or that has been used to ventilate pillar lines shall not be reused to ventilate live face workings. Mines that cannot comply with this requirement may continue to

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operate as at present until future mine development and ventilation can be changed to permit compliance with this section.

Any mine in which methane has been ignited or has been found by a permissible flame safety lamp or by air analysis in an amount of 0.25 per cent or more in any open workings or which is adjacent to a gassy mine shall be classed gassy.

Flame safety lamps.

Not less than two permissible flame safety lamps in proper working condition shall be kept available at each mine for the use of authorized persons. The state coal mine inspector may require only one permissible flame safety lamp in proper working condition need be kept available at each mine where five men or less are employed on any one shift. Only permissible flame safety lamps, permissible methane detectors, or air sampling and analysis shall be used for determining the presence of methane in mine air.

In gassy mines mine officials whose regular duties require them to inspect working places shall have in their possession when underground, a permissible flame safety lamp in safe working condition, for the detection of methane and oxygen deficiency.

Examination of working places for hazards.

The working places in all mines shall be examined by a certified official for hazards at least once during each shift while the men are in the mines, or oftener if necessary for safety. In gassy mines such examinations shall include tests with a permissible flame safety lamp for methane, noxious gasses, and oxygen deficiency. Any dangerous condition found shall be corrected promptly. In gassy mines pillar workings shall be examined for explosive gas and other dangers before a fall is made. If methane is found in amounts that can be detected with a permissible flame safety lamp, the fall shall not be made until the gas is removed or other precautions shall be taken to safeguard all employees."

Sections 1 and 2, Chap. 30, laws of 1945, amended.

Section 19. That Sections 1 and 2 of Chapter 30 of the Session Laws of 1945, be, and the same is hereby amended to read as follows:

Report to state coal mine inspector re gas found.

"Section 1. Upon finding the presence of gas in any part of a mine, classed as non-*gassy*, a report shall be

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made at once by the company to the state coal mine inspector.

Bodies of gas, removal of.

It shall be unlawful for any owner, operator, superintendent, mine foreman or any employee of any mine which generates explosive gasses to remove any accumulated body of gasses by wafting or brushing. All such bodies of gas must be removed from the mine by approved methods of ventilation. When it is necessary that arc-welding be done underground in a *gassy* mine, a certified man must first inspect and report it safe, before starting welding, other than in the main fresh air intake.

Safety lamps required in case of gassy mines.

In all mines classed as *gassy* all operators of coal cutting machines, electric drilling machines, and coal loading machines must be furnished safety lamps for testing and examining each place for gas before taking said machines inby the last open cut-through, and in no instance must any person incompetent to understand the operation of flame safety lamps and the detection of gas be allowed to operate any of said machines. Machines as hereinabove described shall not be taken into any place found to be containing gas. In detecting gas during operation of machines, operation must cease, power be cut off machine, and gas findings reported to foreman or person in charge. Machine operation must not continue until place is freed of gas.

Procedure upon discovery of gas.

Penalty.

Section 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for a term not exceeding six (6) months in the county jail or fined a sum not to exceed one hundred dollars ($100.00), or both such fine and imprisonment. Any owner, superintendent, mine boss or fire-boss who shall knowingly permit violations of this act shall be deemed guilty of a misdemeanor and upon conviction thereof be subjected to the same penalties as hereinbefore prescribed."

Sec. 3509 R. C. Mont. 1935 amended.

Section 20. That Section 3509 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3509. **Timber and Supplies.** *Minimum standards for systematic timbering suitable to the roof conditions and mining system of each mine shall be adopted.*

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Timber and supplies.

The minimum standards of timbering shall be complied with by workmen and officials, and additional timbering shall be done wherever it is necessary to afford adequate protection.

At each mine, the management shall provide at or near the face workings an ample supply of timber and cap pieces or wedges of proper size with which to timber all working places in a safe manner.

Temporary safety posts, jacks or cross bars shall be set close to the face when necessary, before other mining operations are begun, and as needed thereafter.

All underground working places shall be timbered sufficiently to protect employees working at the face from falls of roof, ribs or face. Loose top and overhanging or loose faces and ribs shall be either timbered adequately or taken down.

Timber removed by cutting-machine or loading-machine operators or knocked out by blasting shall be replaced promptly, unless they are not needed for adequate roof support or protection.

Instruction of workmen re testing.

It shall be the duty of the mine foreman, assistant mine foreman and mine inspectors to ascertain if workmen understand roof, rib and face testing. Uninformed workmen and new employees shall be instructed properly in correct methods of testing.

During work on any shift, the mine foreman in charge of the shift or his designated assistants shall examine, or cause to be examined by a competent person, roof, ribs and face of working places and passageways where men travel, for dangerous conditions. Where found, such dangerous conditions shall be corrected promptly by removing loose roof or rib, by adequate timbering, or duplication of defective timbering where necessary. Such timbering shall conform to the clearance provisions hereinafter provided.

When there is danger of coal rolling on a person during or after undercutting or center cutting, it shall be spragged by placing blocks in the cut or by blocking with leaning posts.

In worked-out places where timbers are being removed,

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persons engaged in drawing timber shall not be permitted to work alone."

Sec. 3510 R. C. Mont. 1935 amended.

Section 21. That Section 3510 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Haulage.

"Section 3510. *Haulage. The roadbed, rails, joints, switches, frogs and other elements of the track of all haulage roads shall be constructed, installed and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.*

Track switches, except room and entry development switches, shall be provided with properly installed throws, bridle bars and guardrails; switch throws and stands, where possible, shall be placed on the clearance side.

Haulage roads on entries developed after the effective date of this act, shall have a continuous unobstructed clearance of at least thirty inches (30") from the farthest projection of moving equipment on the side opposite the trolley wire.

On the trolley wire or 'tight' side, there shall be sufficient clearance to prevent the farthest projection of moving equipment from rubbing or coming in contact with ribs or timber.

After the effective date of this act, all new sidetracks, partings or entries equipped with more than one track shall have a clearance of at least 30 inches between the outermost projection of moving traffic.

The clearance space on all haulage roads on entries driven before or after the effective date of this act shall be kept free of loose rock, coal, supplies or other materials, provided that not more than thirty inches (30") need be kept free of obstructions.

Ample clearance shall be provided at all points where supplies are loaded or unloaded along haulage roads or conveyors.

Where it is necessary for men to cross conveyors regularly and where the width of conveyors or low roof introduces a hazard, suitable crossover bridges shall be provided.

Shelter holes.

Shelter holes shall be provided along haulage entries

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driven after the effective date of this act where locomotive, rope, animal or shuttlecar haulage is used. Such shelter holes shall be spaced not more than eighty feet (80′) apart. Except where the trolley wire is six feet (6′) or more above the roadbed or guarded effectively at the shelter holes, they shall be on the side of the entry opposite the trolley wire. Haulage.

Shelter holes made after the effective date of this act shall be at least five feet (5′) in depth, not more than four feet (4′) in width, and six feet (6′) in height or as high as the traveling space, if the traveling space is less than six feet (6′) high. Room necks and cross-cuts may be used as shelter holes even though their width exceeds four feet (4′).

Shelter holes shall be kept clear of refuse and other obstructions.

Shelter holes shall be provided at switch throws, except where more than six feet (6′) clearance is maintained and at room switches.

At each landing of a slope where men are passing and cars are handled, a shelter hole at least ten feet (10′) deep, four feet (4′) wide, and six feet (6′) high shall be provided.

Nonpermissible internal-combustion engines or other machinery which gives off noxious fumes shall not be permitted underground in any coal mine.

Locomotives shall be equipped with proper devices for the rerailing of locomotives and cars.

An audible warning device and headlights shall be provided on each locomotive and shuttle car.

Where hoists are used for handling men in underground slopes, in pitching beds or on slopes between two or more beds, the provisions governing hoisting or haulage mentioned heretofore shall apply.

A permissible trip light shall be used on the rear of trips pulled or pushed by a locomotive, on the rope-end car of trips pulled up slopes and on the front of trips lowered into slopes or pushed. Trip lights need not be used during gathering operations at working faces.

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Pushing of cars on main haulage roads shall be prohibited, except where necessary to push cars from side tracks to producing entries, where necessary to clear switches and side tracks, and on the approach to cages.

Haulage.

Back-poling shall be prohibited except at places where the trolley pole cannot be reversed or when going up extremely steep grades and then only at very slow speed.

Other than the motorman and trip rider, no person shall ride on a locomotive unless authorized by the mine foreman, and no person shall ride on loaded cars or between cars of any trip, except that the trip rider may ride on the last car.

Motormen and brakemen shall not get on or off cars, trips or locomotives while in motion, except that a brakeman may get on or off the rear end of a slowly moving trip to throw a switch or to close a door.

All trips and all traffic equipment shall come to a complete stop before couplings are made by hand, unless a coupling hook is used.

Standing cars on any track, unless held effectively by brakes, shall be properly blocked or spragged. Cars shall be secured effectively at working faces.

On slopes and places having a knuckle, there shall be a postive-acting stoplock, at or above the knuckle, and a derail.

On entries going to the rise, a positive stopblock or derail shall be placed outby the switch of the first active working place.

On entries going to the dip, a positive-acting stoplock or derail shall be placed just outby the switch to the first active working place and a stopblock shall be placed just inby the switch of the last active working place.

When coal is not being loaded, but men are working at a room or entry face, a positive-acting stopblock or derail shall be placed across the room or entry track, or the room switch shall be kept closed to prevent cars from being inadvertently pushed or running into the places.

Slides, skids or other adequate means shall be used on descending trips on grades where the locomotive is not

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adequate to control the trip, and where practicable, a drag shall be used on ascending trips.

Material being hauled inside the mine shall be so loaded and protected that there is no danger to the motorman or brakeman from sliding of equipment and material. Haulage.

Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used, but not to exceed 12 miles an hour.

Each man-trip shall be under the charge of a responsible person and it shall be operated independently of any loaded trip of coal or other material.

Cars on the man-trip shall not be overloaded and sufficient cars in good mechanical condition shall be provided.

No person shall ride under the trolley wire unless suitable covered man-cars are used.

No material or tools shall be transported in the same car with men on any man-trip, and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

Where belts are used for transporting men, a minimum clearance of 18 inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than 24 inches.

The belt speed shall not exceed two hundred and fifty feet (250′) a minute while men are loading, unloading or being transported.

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The space between men riding on a belt line shall be not less than five feet (5').

Loading and unloading stations shall be illuminated properly.

An official or some other person designated by the mine foreman shall supervise the loading and unloading of belts and man-trips."

Sec. 3515 R. C. Mont. 1935 amended.

Section 22. That Section 3515 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Mine foreman and his duties.

"Section 3515. **Mine Foreman and His Duties.** In order to secure efficiency in the coal mines, the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation.

Waiver of provisions requiring certified foreman, when.

Provisions of these sections requiring a state certified foreman may be waived by the state coal mine inspector in mines where five men or less are employed on any one shift; provided, however, that the state inspector considers the person in charge of the underground work has adequate ability to supervise the safety of the workers and to carry out the duties imposed by law in the mine concerned.

Examination of working places, frequency of.

The mine foreman or his assistant shall visit and examine every working place in the mine at least *once each* day, *or more often if necessary*, while the miners of such places are or should be at work, and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this act.

Person to act in place of foreman, when.

When the mine foreman is personally unable to carry out the requirements of this act as pertaining to his duties, on account of sickness or of other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a *mine foreman's* certificate of competency.

Discovery of unsafe place, procedure in such case.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or

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they shall order and direct that the same be placed in a safe condition, and until such is done no person or persons shall enter such unsafe place except for the purpose of making it safe."

Sec. 3516 R. C. Mont. 1935, as amended, further amended.

Section 23. That Section 3516 of the Revised Codes of Montana, 1935, as amended by Chapter 38, Session Laws of 1945, be, and the same is hereby amended to read as follows:

Mine examiners and their duties.

"Section 3516. **Mine Examiners and Their Duties.** *Fire-bosses or mine examiners shall make examinations of all mines before other men are permitted to enter, and they shall begin their examination in the first working place in their assigned territory not more than three (3) hours before the first shift enters the mine; however, such examinations in multiple shift operations may be made by a certified official within three (3) hours of the entrance of the next or succeeding shift, provided that in mines that are not classed gassy such examination need be made only before the first shift enters the mine.*

Pre-shift examination may be waived, when.

The state coal mine inspector may waive a pre-shift examination of a mine in which five persons or less are employed on one shift if the inspector considers the onshift examination provisions of the Montana code adequately safeguard the worker.

Duties of mine examiners (continued).

He shall especially examine the edges and accessible parts of recent falls and old gobs and air-courses. As evidence of such examination, he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger-signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place for that purpose, and arranged so that the men can inspect it while passing to their work, showing the conditions of the mine as to the presence of firedamp, and indicating the place or places where present, if any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the day-shift men to go to work, and shall personally check each miner or loader into the mine, advising each as to the condition of his working place, and holding back any man whose working place is in dangerous condition. He shall

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return to the mine with such miners or loaders thus held back, and remain there attending to the removal of any standing gas.

Examination of parts of mine not being worked.

He shall examine parts of the mine not in actual course of working and available, not less than once each three *(3)* days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company, *said record to be signed by the examiner when made, countersigned by the foreman daily and by the superintendent weekly, and by the state coal mine inspector on his regular periodic visit.* No miner or loader, when advised by the mine examiner that his working place is dangerous, *shall enter such working place* until accompanied by the mine examiner."

Daily record.

Sec. 3521 R. C. Mont. 1935, as amended, further amended.

Section 24. That Section 3521 of the Revised Codes of Montana, 1935, as amended by Chapter 38, Session Laws of 1945, be, and the same is hereby amended to read as follows:

Explosives and blasting.

"Section 3521. *Explosives and blasting. Separate surface magazines shall be provided for the storage of explosives, detonators and Cardox heater elements.*

Surface magazines for storing explosives.

Surface magazines for storing and distributing high explosives in amounts exceeding one hundred and twenty-five (125) pounds shall be:

Reasonably bulletproof and constructed of incombustible material or covered with fire resistive material. The roofs of magazines so located that it is impossible to fire bullets directly through the roof from the ground, need not be bulletproof, but where it is possible to fire bullets directly through them, roofs shall be made bullet resistant by material construction, or by a ceiling that forms a tray containing not less than a four inch (4") thickness of sand, or by other methods.

Provided with doors constructed of three eighths inch

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(⅜") steel plate lined with a two inch (2") thickness of wood, or the equivalent.

Provided with floors made of wood or other non-sparking material and have no metal exposed inside the magazine.

Provided with suitable warning signs so located that a bullet passing directly through the face of a sign will not strike the magazine.

Equipped with no openings except for entrance and ventilation. Provided with properly screened ventilators.

Kept locked securely when unattended.

Surface magazines for storing black blasting powder, detonators and Cardox heater elements need not be bullet-proof, but they shall be in accordance with other provisions for storing high explosives.

Box-type magazines.

High explosives, black blasting powder or Cardox heater elements in amounts of one hundred and twenty-five (125) pounds or less or five thousand (5,000) detonators or less shall be stored in accordance with preceding standards or in separate box-type magazines. Box-type magazines may also be used as distributing magazines when quantities do not exceed those mentioned. Box-type magazines shall be constructed strongly of two inch (2") hardwood or the equivalent. Metal magazines shall be lined with nonsparking material. No magazine shall be placed in a building containing oil, grease, gasoline, waste paper or other highly flammable material, nor shall a magazine be placed less than twenty (20) feet from a stove, furnace, open fire or flame.

Location of magazines.

After the effective date of this act, and where practicable, the location of magazines shall be not less than two hundred (200) feet from any mine opening unless effectively barricaded.

Distributing magazines.

The supply kept in distributing magazines shall be limited to approximately one (1) day's requirements, and such supplies of explosives and detonators may be distributed from the same magazine, if separated by at least a six inch (6") substantially fastened hardwood partition or the equivalent.

Area surrounding magazines.

The area surrounding magazines for not less than 25 feet in all directions shall be kept free from rubbish, dry grass or other material of a combustible nature.

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If the explosives magazine is illuminated electrically, the lamps shall be of the explosion-proof type, installed and wired so as to present minimum fire and contact hazards.

Only nonmetallic tools shall be used for opening containers. Extraneous materials shall not be stored in an explosives or detonator magazine.

Smoking, carrying smokers' articles or open flame shall be prohibited in or near any magazine.

Cardox: charging stations.

A Cardox charging station shall:

Be in a fireproof structure on the surface or isolated from other operations in the same building by a substantial fireproof partition.

Be provided with at least two methods of relieving excess pressure in the storage tank. If one of these methods is a valve, the valve shall be tested monthly.

Have a box-type magazine or equivalent for storing the daily supply of heater elements.

Explosives, when carried underground, regulations.

Permissible explosives or detonators carried underground shall be in individual containers constructed of substantial nonconductive material, maintained in good condition, and kept closed.

When explosives or detonators are transported underground by locomotive, rope or shuttle car, they shall be in special covered cars or in special containers.

The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch (4") substantially fastened hardwood partition or the equivalent.

Permissible explosives, detonators and Cardox shells shall not be carried on the same trip with workmen.

Hauling explosives.

Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip.

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Explosives and detonators shall be transported underground by belt only under the following conditions:

In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

Clearance requirements shall be the same as those for transporting men on belts.

Suitable loading and unloading stations shall be provided.

There shall be an attendant at loading and unloading points and stop controls at these points.

Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

Underground section boxes or magazines.

Where underground section boxes or magazines are used they shall be of substantial construction and placed in a cross-cut or idle room neck at least 25 feet from roadways or trolley wires and in a reasonably dry and well-rock-dusted place; the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines.

The state inspector may waive the provisions requiring surface storage magazines for the storage of explosives and detonators for mines employing five persons or less, if the amount of explosives does not exceed 125 pounds, and storage is in an underground, box-type magazine.

Explosives kept near working faces, storage of.

Explosives and detonators kept near the working faces shall be stored in separate, closed containers of substantial nonconductive material located not less than fifteen feet from rail or power lines, except that if kept in a niche in the rib, the distance shall be at least five feet, and in a location out of line of blast where they will not likely be subjected to shock.

Explosives and detonators shall be kept in their containers until removed for use at the working faces.

In all underground coal mines, for the blasting of coal or other blasting operations, permissible explosives or per-

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missible blasting devices shall be used except as hereinafter provided for. The use of permissible explosives shall comply with the following:

Use of explosives, regulation for.

Fired only with electric detonators of proper strength.

Fired with permissible blasting units unless blasting is done from the surface.

Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

To prevent blow-throughs, all portions of the boreholes where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

Boreholes shall be stemmed with at least 24 inches of incombustible material, or at least one-half of the length of the hole shall be stemmed if the hole is less than four (4) feet in depth.

In gassy mines examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done.

Use of pellet black powder.

The state inspector may permit the use of pellet black powder for blasting in a non gassy mine where five men or less are employed, providing all shots are fired by a competent person when all other men are out of the mine. Further, mine electric power shall not be used to set off shots unless the shots are fired from the surface with all persons out of the mine, including the person firing the shots.

Charges exceeding 1½ pounds.

Charges exceeding one and one-half (1½) pounds, but not exceeding three pounds, shall be used only if boreholes are six (6) feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the back of the hole and the stemming respectively, and class A or class B permissible explosives are used. Provided, however, that the three (3) pound limit shall not apply to solid rock work such as solid rock tunnels, etc.

Competent persons shall be designated to fire shots and

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they shall comply with the requirements of this act pertaining to blasting.

Charging and shooting.

In mines where charging or shooting is done on shift, each shot or group of simultaneous shots shall be fired immediately after it is charged.

Only wooden tamping bars shall be used when charging holes.

Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

Shots shall not be fired from the power or signal circuit while any men are in the mine.

Roof and faces of working places shall be tested before and after blasting.

Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

Blasting cables.

Blasting cables shall be:

Well insulated and as long as may be necessary to permit the shot-firer to get in a safe place around a corner.

Short-circuited at the battery end until ready to attach to the blasting unit.

Staggered as to length or kept well separated when attached to the detonator leg wires.

Kept clear of power wires and all other possible sources of active or stray current.

Power wires in face regions shall be de-energized during charging and blasting operations.

Misfires.

Where misfires occur with electric detonators, a waiting period of at least 5 minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined.

Explosives shall be removed by firing a separate charge at least two feet (2') away from, and parallel to, the mis-

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fired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive.

The handling of a misfired shot shall be under the direct supervision of the mine foreman or a competent person designated by him.

Heater elements of Cardox blasting devices.

The provisions governing the handling, storage and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells.

Charged Cardox shells.

Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars and shall be stored on wooden racks, built for that purpose, in a cross-cut or an idle room neck, at least ten feet (10') from power lines and haulage tracks.

Use of for blasting, regulations for.

Where Cardox is used for blasting, the following shall apply:

Cardox shells need not be tamped or stemmed.

When Cardox is fired all persons in the vicinity, including the shot-firer, shall be around a second corner or in an equally safe place.

Blasting cables shall be as long as may be necessary to assure the safety of the shot-firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

The charge shall be detonated with a permissible shot-firing unit.

Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a 'tight' shot.

Cardox misfires caused by the failure of the disk to rupture shall not be approached until after the lapse of fifteen minutes (15) and shall be handled under the supervision of a foreman or other competent designated person. Such misfired shells shall be bled off before complete removal from the hole, and shall be marked conspicuously upon removal from the hole.

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Where Airdox is used for blasting or breaking down the coal, the following shall apply:

Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand (20,000) pounds per square inch.

Airdox for blasting — regulations.

Air lines shall be grounded at the compressor and, if possible, at other low resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

Unions shall be installed in steel air lines at not more than one thousand foot (1,000') intervals. Insulated couplings shall be installed at the inby end of such lines.

Shut-off valves shall be installed every one thousand feet (1,000') in all Airdox lines and, in all branch lines, at a point near the main lines.

Airdox lines shall be protected at places where equipment passes over, under or adjacent to them; they shall not be handled or repaired when air pressure is in the line.

Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks of crystallization.

Blown-down valves shall not be less than forty-five feet (45') from the face and shall be around a right angle.

Holes for Airdox tubes shall not be on the solid.

The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six (6) to twelve (12) inches to form an air cushion.

When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line

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and not reconnected until ready to be used in the next place.

Failure of Airdox tube to discharge.

When an Airdox tube fails to discharge, the line leading to the tube shall be disconnected at the blow-down valve and the tube shall be dragged by means of the line to an abandoned place, marked with warning signs, and left for twelve (12) hours before any repair work is done thereon.

All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

Any wilful neglect, refusal or failure to do the things required to be done in the above sections, clause or provision on the part of person or persons herein required to do them, or any violation of the provisions or requirements thereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon him, or any refusal to comply with the provisions of this section shall be deemed a misdemeanor punishable by a fine of not less than one hundred dollars ($100.00) and not to exceed two hundred dollars ($200.00) or by imprisonment in the county jail for a period not exceeding three (3) months, or both, at the discretion of the court."

Penalty.

Sec. 3538 R. C. Mont. 1935 amended.

Section 25. That Section 3538 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Monthly report of amount of coal produced.

"Section 3538. **Notice to Inspectors.** *Within ten days after the close of each calendar month the operator of any coal mine shall report to the state coal mine inspector the tons of coal produced each day during the preceding month; and provided further that the state coal mine inspector shall submit, within fifteen days after the close of each calendar month, a true copy of such report on each mine to the district office of the local union having jurisdiction at the mine.* Immediate notice must be conveyed to the state coal mine inspector by the operator interested.

Immediate notice to inspector by operator, when.

First. Whenever an accident occurs whereby any person receives serious or fatal injury.

Second. Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes.

Third. Whenever it is intended to abandon any mine or to re-open any abandoned mine.

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Fourth. Upon the appearance of any large body of fire-damp in mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine.

Fifth. When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas.

Sixth. Upon the accidental closing or intended abandonment of any regularly established passageway to an escapement outlet."

Sec. 3539 R. C. Mont. 1935 amended.

Section 26. That Section 3539 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Duty of inspectors.

"Section 3539. **Duty of Inspectors.** When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury, the state coal mine inspector shall, if he deem it necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident, or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the inspector, upon uniform blanks furnished by the said inspector, a record of all injuries sustained by any employees in the pursuance of their regular occupation.

Record of injuries.

Investigation of accidents.

The state coal mine inspector may also make any original or supplementary investigation which he may deem necessary as to the nature and cause of any accident within his jurisdiction, and shall make a record of the circumstances attending the same and of the result of his investigations for preservation in the files of his office.

Power to compel attendance of witnesses.

To enable him to make such investigation, he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them, and the cost of such investigation shall be paid by the county in which such accident has occurred, in the same manner as the cost of coroner's inquest is paid.

Fatality in mine, duty of inspector in case of.

The state coal-mine inspector shall, upon being notified of a fatality in any coal mine, relay such information promptly to the district office of the miners' organization. Provided further that the district president of the miners' organization, or some person delegated by him, shall have

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the right to enter any coal mine for the purpose of investigating the cause or causes of any fatal accident."

Sec. 1, Chap. 32, laws of 1945 amended.

Section 27. That Section 1, Chapter 32 of the Session Laws of Montana, 1945, be, and the same is hereby amended to read as follows:

Electricity — installations and requirements relating to.

"Section 1. *Electricity. Overhead high-potential power lines shall be placed at least 15 feet above the ground and 20 feet above driveways and haulageways, shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.*

Overhead power circuits shall be protected against lightning and voltage surges, and high-potential power lines shall be protected adequately by circuit breakers, fuses, or both.

Electric wiring in surface buildings shall be installed so as to present minimum fire and contact hazards.

Unless surface transformers are isolated by elevations (8 feet or more above the ground), they shall be enclosed in a transformer house or surrounded by a suitable fence at least 6 feet high. If the enclosure is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

Surface transformers containing flammable oil and installed where they present a fire hazard (near mine openings, or in or near combustible buildings) shall be provided with means to drain or to confine the oil in event of rupture of the transformer casing.

Transformers ordered after the effective date of this act, both permanent and portable, for use underground shall be air-cooled or nonflammable-liquid cooled.

Permanent underground stations containing transformers filled with flammable oil shall be provided with door sills, or their equivalent, that will confine the oil if leakage or explosion occurs.

Portable underground substations for transformers or other power conversion equipment shall be in fireproof housings. Where the installation contains transformers filled with flammable oil, means shall be provided to confine the oil in event of leakage or explosion.

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DANGER — HIGH VOLTAGE signs shall be posted conspicuously on all transformer enclosures, high-potential switch-boards, and other high-potential installations.

Underground structures (transformer stations, battery-charging stations, substations, permanent pump rooms, etc.) installed after the effective date of this act shall be of fireproof construction. Where the fireproofing material is in contact with timber or coal, it shall not be of metal. Surface and underground substations shall be kept free from refuse and metal containers shall be provided for oily waste.

Electricity — installations.

Switchboards installed after the effective date of this act shall be located so that ample room will be provided between the switchboard and passageways or lanes of travel and shall have an entrance at each end to permit authorized persons to inspect, adjust or repair apparatus back of the board. Switchboards shall have the entrance to the rear guarded against entrance of unauthorized persons, unless in a building that is kept locked.

Switchboards shall be well lighted for switch operations in the front end for repair and maintenance in the rear.

Rooms housing switchboards shall be free of debris and refuse.

Pull switches and circuit breakers, or other power controls shall be mounted on slate or other suitable insulating material.

High-potential power cables (600 volts or more) carried from the surface through shafts, boreholes and underground passageways shall be adequate for the services intended, installed in a permanent manner, and guarded from mechanical injury.

Power wires carrying less than 600 volts whether bare or insulated, except ground wires and trailing cables shall be supported on, or by well installed insulators and shall not touch combustible materials, roof or ribs.

Power wires shall be insulated properly when passing through doors and stoppings, and where they cross other power circuits.

Electric cables and wires, other than signal wires and trolley wires used for haulage, installed in haulage slopes

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shall be buried not less than 12 inches below combustible material or installed in fireproof protective conduit.

Where track is used as a power conductor:

Electricity — installations.

Both rails of main-line tracks shall be well bonded at every joint and cross-bonded at least every 200 feet; however, if the track circuit is paralleled with a feeder cable, both rails of the track shall be well bonded at every joint, and cross bonds shall be installed at least every 1,000 feet in both the track and feeder circuit.

At least one rail on secondary haulage roads shall be well bonded at every joint, and cross bonds shall be installed at least every 200 feet.

Switches on entries shall be well bonded.

Power shall be disconnected before repair work is to be done on energized electric circuits or energized parts of electric equipment. Employees required to make repairs on energized bare trolley lines shall wear protective clothing, such as insulated shoes and lineman's gloves, or the power shall be disconnected.

Trolley and feeder wires, installation of.

Trolley and direct current and alternating current feeder wires shall be installed as follows:

On the opposite side of the entry from shelter holes and clearance space, except where 6 feet or more above the roadbed or adequately guarded at shelter holes.

The hangers on curves shall be spaced so that the trolley wire may become detached at any one hanger without exposing the locomotive operator to a shock hazard.

Trolley wires and trolley feeder wires shall be alined properly and installed at least 6 inches outside the track gauge line.

Provided with cut-out switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

Kept taut and not permitted to touch the roof, rib or cross bars; particular care shall be taken where they pass through door openings to preclude the possibility of bare wires coming in contact with combustible material.

Trolley wires and trolley-feeder wires shall be guarded adequately where it is necessary for men to pass or work under them regularly, unless the wires are more than 6½

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feet above the top of the rail. They shall also be guarded adequately on both sides of doors.

Shall not extend beyond the last open cross-cut and shall be kept at least 150 feet from pillar workings.

Anchored securely and insulated properly at the ends. Electricity — installations.

Not in air known to contain 1.0 percent or more methane or in air returning from pillar recovery work or old workings where dangerous amounts of methane may be liberated suddenly.

Where practicable, power circuits underground shall be de-energized on idle days on idle shifts.

Metal conduit and metallic coverings and armor of cables shall be grounded effectively and shall be electrically continuous to afford a conductor path for the ground circuit.

Metallic frames, casings and other electric equipment that can become 'alive' through failure of insulation or by contact with energized parts shall be grounded effectively.

Casings of transformers shall be grounded effectively unless protected by insulation (freedom from contact hazard by position.)

Mining equipment mounted on rubber tires or caterpillar treads, receiving power through a trailing cable, purchased after the effective date of this act, shall be grounded effectively.

Fuses or equivalent protective devices of the correct type and capacity shall be installed on electric equipment to protect against excessive overload. Wires or other conducting materials shall not be used as a substitute for properly designed fuses, and where circuit breakers are used, they shall be maintained in proper operating condition and adjusted so that equipment cannot be overloaded.

Switches and circuit breakers shall be installed so that they are readily accessible and can be operated without danger of contact with moving or live parts.

Disconnecting switches shall be installed in all main power circuits at the bottoms of shafts, boreholes and at other places where main power circuits enter the mine.

Underground electric equipment and circuits shall be provided with switches or other controls of safe design and construction, and shall be installed in a safe manner.

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Power circuits shall be protected against short circuit or excessive overload. Wires and other conducting materials shall not be used as a substitute for properly designed fuses; where circuit breakers are used they shall be maintained in proper operating condition.

Electricity — installations.

Dry wooden platforms, rubber mats or other electrically non-conductive material shall be kept in place at each switchboard, power-control switch, and at stationary machinery where shock hazards exist.

Signal wires shall be supported on insulators and insulated properly where they cross power lines.

Bare signal wires that are readily accessible to personal contact shall not carry more than 30 volts. (This does not apply to block-signal systems).

All new electric face equipment taken into gassy mines shall be permissible equipment approved by the United States bureau of mines, except that explosion-tested cable-reel locomotives and shuttle cars may be used.

Permissible junction or distribution boxes shall be used for making multiple-power connections in working places or other places where dangerous quantities of methane may be present or may enter the air current.

Permissible equipment shall be maintained in a good state of repair and in permissible condition. Explosion tested equipment shall be maintained in a good state of repair and in explosion tested condition.

It shall be unlawful for any person or persons in coal mines known to be generating gas to move *electric equipment* by nipping.

No electrically driven equipment shall be taken into or operated in a working place where 1.0 per cent or more methane can be detected at any point not less than 12 inches from the roof, face or rib.

In all face workings of gassy mines, inspections for methane shall be made before electric equipment is taken into or operated in face regions, and frequent tests shall be made for methane while such equipment is operated in face regions.

Electric drills or other electrically operated rotating tools intended to be held in the hands shall have the electric

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switch constructed so as to break the circuit when the hand releases the switch or shall be equipped with friction or safety clutches.

Explosion-tested cable-reel locomotives in gassy mines shall be equipped with two (2) conductor trailing cables. Electricity — installations.

All new trailing cables used on electric mine equipment shall meet the United States bureau of mines tests for flame-resistive qualities.

Trailing cables shall be provided with suitable overload protection and power taps, unless properly connected to permissible junction or distribution boxes.

Trailing cable splices shall be made in a workmanlike manner, mechanically strong and well insulated.

Electric light wires shall be supported by suitable insulators and fastened securely to the power conductors by means of clamps or the equivalent.

Electric lights shall not be installed within one hundred and fifty feet (150') of pillar workings or advancing workings.

Electric lights shall be installed so that they cannot come in contact with combustible materials."

Section 28. **Safeguards for Mechanical Equipment.** Safeguards for mechanical equipment — face equipment.

Subsection 1. **Face Equipment.**

(a) The cutter chains of mining machines shall be locked securely to prevent accidental movement while being trammed or when parked.

(b) Rock drilling with percussion drills shall be done wet, except as provided for in Article XI, Section 7g.

Subsection 2. **Shop and Other Equipment.** Shop and other equipment.

(a) The following shall be guarded adequately:

(1) Gears, sprockets, friction devices and couplings with protruding bolts or nuts.

(2) Shafting and projecting shaft ends that are within seven feet (7') of floor or platform level.

(3) Belt, chain or rope drives that are within seven feet (7') of floor or platform.

(4) Fly wheels. (Where fly wheels extend more than

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seven feet (7′) above the floor, they shall be guarded to a height of at least seven feet (7′).

(5) Circular and bandsaws and planers.

(6) Repair pits. (Guards shall be kept in place when the pits are not in use).

(b) Machinery shall not be repaired or oiled while in motion, unless such oiling can be done without danger to the oiler.

(c) A guard or safety device removed from any machine shall be replaced before the machine is put in operation.

Grinding wheels, how equipped.

(d) Mechanically operated grinding wheels shall be equipped with:

(1) Safety washers and tool rests.

(2) Substantial retaining hoods, the hood openings of which shall not expose more than 90 sector of the wheel.

(3) Eye shields, unless goggles are worn by the operators.

Underground fire prevention and control.

Section 29. **Underground Fire Prevention, Fire Control and Mine Disasters.**

Subsection 1. **Fire Prevention and Control.**

(a) Each mine shall be provided with suitable fire fighting equipment, adequate for the size of the mine, such as supplies of rock dust at doors and at other strategic places, water lines and hose, water or chemical trucks, and fire extinguishers.

(b) Clean dry sand, rock dust or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station (substations, transformer stations, permanent pump stations) so as to be out of the smoke in case of a fire in the station.

(c) After every blasting operation performed on shift by shot firers or other persons, an examination shall be made to determine whether fires have been started.

(d) Should a fire occur, the person discovering it and any persons in the vicinity of the fire shall make a prompt effort to extinguish it.

(e) If, or when, a fire has attained such proportions that an individual cannot extinguish it, he shall report

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immediately the existence of the fire to a competent official of the mine, who shall order all workmen from that part of the mine affected by the fire, except those needed for fire fighting.

(f) If the fire gets out of control, men shall be withdrawn; and the part of the mine in which the fire is located or the entire mine, as conditions may require, shall be sealed or flooded. **Underground fire prevention and control.**

(g) All fire-fighting operations shall be under the direct supervision of the mine manager or mine foreman or a designated assistant who shall consult with the federal inspectors, who shall serve in an advisory capacity.

(h) Underground storage places for lubricating oil and grease in excess of two (2) days' supply shall be of fireproof construction.

(i) Lubricating oil and grease kept in face regions or other working places shall be in portable closed metal containers.

(j) Hay or straw shall be transported from the surface to underground stables in enclosed incombustible cars. It shall be stored in a fireproof structure apart from the stable or in a fireproof compartment within the stable.

Section 30. **Miscellaneous.**

Subsection 1. **Protective Clothing.**

(a) All persons shall wear protective hats while underground and also while on the surface where falling objects may cause injury. **Protective clothing required.**

(b) Protective footwear shall be worn by employees, officials and others while on duty in and around a mine where falling objects may cause injury.

(c) All employees inside or outside of mines shall wear approved-type goggles where there is a hazard from flying particles.

(d) Welders and helpers shall use proper shields or goggles to protect their eyes.

(e) Employees engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(f) Protective gloves shall be worn when material which

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may injure the hands is handled, but gloves with gauntlet cuffs shall not be worn around moving equipment.

(g) Men exposed for short periods to gas, dust, fume and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

Subsection 2. **Definitions.**

"Interested persons" defined.

(a) The words "interested persons" as used in this code shall be construed to mean: Members of the mine safety committee; all other authorized representatives of the United Mine Workers of America; federal, state and county coal mine inspectors; and, to the extent required by state law, any other persons.

Severability of act.

Section 31. In the event that any section of this act, any part or any paragraph of this act, any sentence of this act, any phrase of this act or any word of this act is held invalid, all other parts of this act in toto shall be held valid and in full force and effect from and after its effective date.

Repealing clause.

Section 32. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1949.

CHAPTER 186

An Act Authorizing and Requesting the State Board of Examiners to Hear, Audit and Determine the Claim of Margaret W. Peterson, Widow of James I. Peterson, Alleged to Have Died as a Result of a Gun Shot Wound Inflicted by One John Martin, a Duly Employed Fireman At the Steam Plant On the Campus of the Montana State College, Bozeman, Montana, On the 5th Day of April, 1948, While the Said James I. Peterson, a Regularly Enrolled and Matriculated Student At Said Montana State College, Was Engaged in and Taking Part as an Initiate in Initiation Ceremonies of a Well Established and Recognized Student Society or Fraternity On the Campus of Said Montana State College; and Appropriating the Sum of Seven Thousand Five Hundred Dollars ($7,500.00).

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whereas, Margaret W. Peterson, widow of James I. Peterson, has filed her verified claim with the state board of examiners of the State of Montana in pursuance of the provisions of Section 242, Revised Codes of Montana, and

Preamble.

Whereas, said state board of examiners, without action thereon, has duly transmitted the same to the thirty-first legislative assembly, and

Whereas, it appears from said claim that James I. Peterson was duly enrolled and regularly matriculated and a bona fide student in the engineering department of Montana state college at Bozeman, Montana, during the regular school year 1947-1948, and prior thereto, and was a junior in said department and preparing himself to become a mechanical engineer, and

Whereas, it further appears from said claim, that in the early morning of April 5, 1948, while the said James I. Peterson as an initiate of a well established and recognized honorary society or fraternity, established on the campus of said state college, and known and designated as Les Bouffons, which fraternity, was composed of male students with superior ratings in scholastic studies and of men who have shown leadership and been prominent in and engaged in various extra-curricular activities at said college, was taking part as such initiate in the well-recognized and regular initiation ceremonies, was shot by one John Martin, who at the time was regularly employed by the State of Montana as a fireman in charge of the steam plant situated on the said campus and then and there engaged and acting as such, and as a result of said shooting, the said James I. Peterson, died within a short period thereafter, and

Whereas, it further appears from said claim that said James I. Peterson at the time of his death was of the age of twenty-seven (27) years and left surviving him, his widow, the said claimant, and a daughter, Sandra Lee Peterson, then of the age of one year and eight months, and

Whereas, it further appears from said claim that the said surviving widow and minor daughter were entirely dependent upon deceased for their maintenance and support, and that they, or either of them, have no real or per-

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sonal property or means of support, except through the earnings in employment of the said claimant.

Claim of Margaret W. Peterson to be investigated by board of examiners.

Now, therefore, the state board of examiners is hereby authorized and requested to hear, audit and determine the claim of the said Margaret W. Peterson against the State of Montana for the death of the said James I. Peterson alleged to have occurred on or about the 5th day of April, 1948, as a result of a gun shot wound inflicted by one John Martin, on the campus of the Montana state college at Bozeman, Montana, while the said John Martin was engaged in his duties as a fireman at the steam plant of said Montana state college, and the said board of examiners is hereby authorized and empowered to hold such hearing or hearings as it may deem advisable, and hear witnesses under oath, the proceedings at such hearing or hearings to be preserved of record and a copy filed with said claim; and if said state board of examiners finds that said death was caused and occurred as in said verified claim alleged, said claim shall constitute a legal and valid claim against the State of Montana, and the state board of examiners may award, approve and allow such claim in favor of the claimant for such sum as it deems just and equitable and authorize the payment thereof under such conditions and restrictions as it may deem advisable under the circumstances and for the best interests of claimant and the minor surviving daughter; and the state auditor is hereby authorized to draw his warrant upon the state treasurer for such sum as may be allowed and approved, and in such manner as directed by the said state board of examiners; provided, however, that no claim shall be allowed or approved by said state board of examiners for any amount in excess of the sum of seven thousand five hundred dollars ($7,500.00).

State auditor authorized to draw warrant.

Amount limited.

Appropriation.

Section 2. That the sum of seven thousand five hundred dollars ($7,500.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated for the purpose of paying the claim of Margaret W. Peterson, heretofore filed with the state board of examiners, under and in pursuance to Section 242, Revised Codes of Montana, 1935, in favor of said Margaret W. Peterson, or as otherwise directed by said state board of examiners; provided, further, that, if said claim is ordered paid, that as a part of the considera-

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tion of said payment a proper release in full of all demands and claims for the death of said James I. Peterson against the State of Montana to the date of such release, be executed by the proper parties to the State of Montana.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1949.

CHAPTER 187

An Act to Amend Section 2 of Chapter 171 of the Laws of 1941 Providing for and Authorizing the Sale of Unredeemed Tax Title Lands by County Commissioners; and Permitting Counties to Reserve Oil, Gas and Mineral Rights When Selling Such Unredeemed Tax Lands; and Providing the Terms of Sale and the Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 171, of the laws of 1941, be, and the same is hereby amended to read as follows: Sec. 2, Ch. 171 laws of 1941 amended.

"Section 2. Such sale shall be made for cash or, in the case of real property, on such terms as the board of county commissioners may approve; provided, however, that if such sale is made on terms at least twenty per cent (20%) of the purchase price shall be paid in cash at the date of sale and the remainder may be paid in installments extending over a period not to exceed five (5) years and all such deferred payments shall bear interest at the rate of four per cent (4%) per annum. Terms of sale.

If a sale is made on terms, the chairman of the board of county commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the board of equalization and upon payment of the purchase price in full together with all interest which may become due on any installment or deferred payments, the chairman of the board of county commissioners shall execute a deed attested to by the county clerk to the purchaser, or his assigns, or such other instruments as shall be sufficient to convey all of the title of the county in and to the property so sold, provided that the county may *in* Sale contract. Deed of conveyance.

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Reservation of minerals.

the discretion of the board of county commissioners reserve not to exceed six and one-fourth per cent (6¼%) royalty interest in the oil, gas, *other hydrocarbons* and minerals produced and saved from said land."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

CHAPTER 188

An Act to Amend Section 5019 of the Revised Codes of Montana, 1935, as Amended by Chapter 50 of the Laws of the Twenty-eighth Legislative Assembly, 1943; Amending Section 5023 of the Revised Codes of Montana, 1935, as Amended by Chapter 25 of the Laws of the Twenty-eighth Legislative Assembly, 1943; and Amending Section 5025 of the Revised Codes of Montana, 1935, as Amended by Chapter 124 of the Twenty-ninth Legislative Assembly, 1945; Pertaining to the Salaries and Qualifications of Mayor, Aldermen, City Attorney and City Clerk; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5019 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5019 of the Revised Codes of Montana, 1935, as amended by Chapter 50 of the laws of the twenty-eighth legislative assembly, 1943, be, and the same is amended to read as follows:

Salaries and qualifications of mayors and aldermen.

"Section 5019. **Salaries and Qualifications of Mayor and Aldermen.** The annual salary of a mayor of a city of the first class must not exceed *four thousand four hundred dollars ($4,400.00);* and the annual salary of the mayor of a city of the second class must not exceed *two thousand four hundred dollars ($2,400.00);* and the annual salary of the mayor of a city of the third class must not exceed *one thousand dollars ($1,000.00);* and each alderman in a city of the first class may be allowed and paid not exceeding *ten dollars ($10.00)* per diem, to be fixed by ordinance, for each day of session held by city council; provided, that

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no alderman shall be paid for more than five (5) days' service during any one (1) month; and aldermen of cities of the second and third class may be allowed and paid not exceeding *ten dollars ($10.00)* per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two (2) days' service during any one (1) month. The council of any town may by ordinance set compensation for a mayor and alderman at one dollar ($1.00) per meeting but in no event shall they be paid to exceed three (3) meetings per month. No person shall be elected to the office of mayor or alderman in any city or town who is not a resident and freeholder within the limits of the city or town."

Sec. 5023 R. C. Mont. 1935, as amended, further amended.

Section 2. That Section 5023 of the Revised Codes of Montana, 1935, as amended by Chapter 25 of the Montana Session Laws of 1943, be, and the same is hereby amended to read as follows:

Salary of city attorney.

"Section 5023. **Salary of City Attorney.** The annual salary and compensation of the city attorney must be fixed by ordinance, and must not exceed, in cities of the first class, *three thousand three hundred dollars ($3,300.00)*, and in cities of the second class must not exceed *one thousand eight hundred dollars ($1,800.00)*, and in cities of the third class must not exceed *one thousand two hundred dollars ($1,200.00)*, which compensation shall be in full for all services rendered in any capacity, and no fee, percentage, or additional compensation must be given to or allowed him."

Sec. 5025 R. C. Mont. 1935, as amended, further amended.

Section 3. That Section 5025 of the Revised Codes of Montana, 1935, as amended by Chapter 124 of the twenty-ninth legislative assembly, 1945, be, and the same is hereby amended to read as follows:

Salary of city or town clerk.

"Section 5025. **Salary of City or Town Clerk.** The annual salary and compensation of the city or town clerk must be fixed by ordinance, and in cities of the first class must not exceed *four thousand dollars ($4,000.00)*; in cities of the second class must not exceed *twenty-eight hundred dollars ($2,800.00)*. The compensation above provided for shall be in full for all services rendered by any such clerks in any and every capacity. In cities of the third class the compensation must not exceed *sixteen hundred dollars ($1,600.00)*, and in towns must not exceed *one thousand dollars ($1,000.00)* provided, however, that nothing in this section

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shall be held or construed as applying to cities and towns operating under the commission form of government."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

CHAPTER 189

An Act to Amend Section 5386 of the Revised Codes of Montana, 1935, as Amended by Chapter 75 of the Laws of the 29th Legislative Assembly, 1945, Relating to the Place Where the Council Shall Have Its Office; the Salaries and Compensation of the Mayor and Councilmen for Cities Operating Under the Commission Form of Government, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5386 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5386 of the Revised Codes of Montana, 1935, as amended by Chapter 75 of Montana Session Laws of 1945, be and the same is hereby amended to read as follows:

Place of office of councilmen.

"Section 5386. **Place of Office of Councilmen — Salaries and Compensation.** The council shall have their office at the city hall, and their total compensation shall be as follows: In cities of the third class having a population of less than three thousand (3,000), the annual salary of the mayor shall *not exceed* six hundred dollars ($600.00), and the annual salary of each councilman shall *not exceed* five hundred dollars ($500.00); in cities of the third class having a population of three thousand (3,000) or more, the annual salary of the mayor shall *not exceed* one thousand dollars ($1,000.00), and the annual salary of each councilman shall *not exceed* nine hundred dollars ($900.00); in cities of the second class, the annual salary of the mayor shall *not exceed* one thousand six hundred and fifty dollars ($1,650.00), and the annual salary of each councilman shall *not exceed* one thousand five hundred dollars ($1,500.00); in cities of the first class having a population of less than

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thirty thousand (30,000), the annual salary of the mayor shall *not exceed forty-two hundred* dollars *($4,200.00)*, and the annual salary of each councilman shall *not exceed thirty-six hundred* dollars *($3,600.00)*; in cities of the first class having a population of thirty thousand (30,000) and less than fifty thousand (50,000), the annual salary of the mayor shall *not exceed forty-five hundred* dollars *($4,500.00)*, and the annual salary of each councilman shall *not exceed thirty-seven hundred* dollars *($3,700.00)*, and cities of the first class having a population of fifty thousand (50,000) or more the annual salary of the mayor shall *not exceed forty-seven hundred* dollars *($4,700.00)*, and the annual salary of each councilman shall *not exceed thirty-eight hundred* dollars *($3,800.00)*.

Increases occasioned by increase in population.

Any increase in salary occasioned by the advance in class or increase in population of any city shall commence with the month next after the publication of the census showing such advance in class or increase in population.

Salaries of other officers.

Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance from time to time provide, payable in equal monthly installments.

Salary of employees.

The salary or compensation of all other employees of such city shall be fixed by the council, and shall be payable monthly, or at such shorter periods as the council shall determine."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

CHAPTER 190

An Act Providing for Establishment of Per Annum Rental Rate Per Section of All State Grazing Lands Upon the Animal-unit-month Basis; Providing the Method for Determining Such Rental Rate; Defining Certain Terms; Authorizing the State Board of Land Commissioners to Provide Conservation Requirements in Certain Leases; Authorizing Increased or Decreased Rentals by the State Board of Land Commissioners Under Certain Circum-

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stances; Repealing Section 1805.25, Revised Codes of Montana, 1935, as Amended by Section 6 of Chapter 207 of the Laws of 1945, and as Last Amended by Section 3 of Chapter 254 of the Laws of 1947; Repealing Section 2 of Chapter 254 of the Laws of 1947, and All Other Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall Be in Full Force and Effect From and After the Twenty-eighth Day of February, 1952.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions: Section 1. When used in this act:

"Board." The "board" shall mean the state board of land commissioners.

"Commissioners." The "commissioner" shall mean the commissioner of state lands.

"Animal Unit." "Animal unit" means one cow, one horse, five sheep or five goats.

"Carrying capacity." "Carrying capacity" shall mean the number of animal units which a given tract of land will support for a twelve (12) month period.

"Animal-unit-month." "Animal-unit-month" shall mean that amount of natural feed necessary for the complete subsistence of one cow for a period of one (1) month.

Per annum Rental rate of state grazing lands. Section 2. The state board of land commissioners shall establish the per annum rental rate per section of all state grazing lands upon the animal-unit-month basis as hereinafter provided.

In fixing the minimum annual rental per section, the following formula shall be used:

Formula to be used in fixing rate. The proportional relationship between the average price per hundred weight of livestock on the farm in Montana during the period between 1938 and 1947, inclusive, and the average grazing fee per animal-unit per month for said period shall be applied to the average price per hundred weight of livestock on the farm in Montana for the year preceding the fixing of the rental.

The resulting figure shall be multiplied by, first, the carrying capacity of the land and, second, by twelve (12)

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so as to bring the rental from a monthly to an annual figure. Such annual figure may then be reduced by the state board of land commissioners, in its discretion, by the amount of the cost of improvements ordinarily and necessarily placed on such lands by lessee, or by cost of repairs made by lessee to improvements on such lands, where such improvements or repairs inure to the benefit of the state; providing however, that such annual reduction shall not be more than twenty-five (25) per cent of said annual figure.

The average price per hundred weight of livestock on the farm in Montana during the period between 1938 and 1947, inclusive, to be used in the above formula, is hereby declared to be ten dollars and fifty cents ($10.50).

The average grazing fee per animal-unit per month for the period between 1938 to 1947, inclusive, to be used in the above formula, is hereby declared to be twenty-three and two-tenths cents (23.2¢).

The carrying capacity of the land, to be used in the above formula, shall be in accordance with the determinations of the commissioner of state lands, made pursuant to Section 4 of Chapter 207 of the laws of 1945.

The average price per hundred weight of livestock on the farm in Montana for the year preceding the fixing of the rental, to be used in the above formula, shall be taken from the current statistics published by the bureau of agricultural economics of the United States department of agriculture, or from other reliable sources.

Illustrative computation.

Thus, a section of land in a county with a carrying capacity of fifteen (15) animal-units, and with the average price per hundred weight of livestock on the farm in Montana being twenty-one dollars and seventy cents ($21.70), as in 1948, will have a minimum rental for the following year computed as follows:

10.50 : .232 : : 21.70 : x
10.50 x = 5.0344
x = .479
.479 × 15 × 12 = $86.22
Less 25% : 21.56

Minimum rental for such a section: $64.66

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Conservation requirements to be incorporated in lease, when.

Section 3. Whenever competitive bidding shall establish a rental price higher than the rental price established by the above formula, the board in leasing such lands shall incorporate in said lease such conservation requirements as are deemed necessary for the protection of such grass or forage crops.

Increase or decrease of established rental.

Section 4. The state board of land commissioners is hereby authorized to increase or decrease the rentals established by the above formula not to exceed five per cent (5%), in those instances where the board in its discretion determines advantages or disadvantages by reason of location of such lands, accessibility, and availability of water facilities warrant such adjustment.

Repealing clause.

Section 5. Section 1805.25, Revised Codes of Montana, 1935, as amended by Section 6 of Chapter 207 of the laws of 1945, and as last amended by Section 3 of Chapter 254 of the laws of 1947; Section 2 of Chapter 254 of the laws of 1947; and all other acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after the twenty-eighth day of February, 1952.

Approved March 3, 1949.

CHAPTER 191

An Act to Amend Sections 1218.2 and 1218.6, Revised Codes of Montana, 1935, Relating to Promise of State to Repay to the Public School Permanent Fund Principal and Interest At 2% From and After January 1, 1935, On Farm Mortgage Loans Made From the Public School Permanent Fund and Providing Manner of Such Payment, by Providing the State Agrees to Repay to the Public School Permanent Fund All the Interest Payments Lost to Said Public School Permanent Fund by Reason of Failure of Payment of Farm Mortgage Loans, Providing Such Amount Shall Be Computed by the State Board of Land Commissioners, Providing the Time and Method of Payment, Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing an Effective Date Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 1218.2, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 1218.2 R. C. Mont. 1935 amended.

"1218.2. **Assumption of Farm Mortgage Loans—Promise of State to Repay Moneys Loaned and Interest.** The state itself hereby assumes and takes over all of such farm mortgage loans now existing as such, all the lands taken over by the state under such mortgages through foreclosure proceedings and otherwise, together with all the tenements, hereditaments, and appurtenances thereunto belonging; all sale or resale contracts or certificates embracing such lands, and all rights, claims and demands whatsoever accruing to the state under and in connection with such farm mortgage loans; and the state hereby promises and agrees to repay to the public school permanent fund the said sum of four million two hundred fifty thousand six hundred twenty-five and 95/100 dollars ($4,250,625.95) as of January 1, 1935, together with interest on the balance remaining from time to time unpaid at the rate of two per centum (2%) per annum, from the proceeds of such farm mortgage loans and lands and from such other sources other than that the state general fund as the legislative assembly may provide.

Assumption of farm mortgage loans.

Promise of state to repay to public school permanent fund.

The State of Montana further promises and agrees to repay to the public school permanent fund all the interest payments lost to said public school permanent fund by reason of failure of payment of farm mortgage loans during the whole, or any part, of the period since such farm mortgage loans were executed."

Section 2. That Section 1218.6, Revised Codes of Montana, 1935, be, and the same is, hereby amended to read as follows:

Sec. 1218.6 R. C. Mont. 1935, amended.

"1218.6. **Payment of Taxes and Costs of Foreclosure Authorized — Interest to Be Transferred Quarterly to Public School Interests and Income Fund — Transfers From Farm Loan Sinking Fund.** The state board of land commissioners is hereby specifically authorized to audit and order to be paid claims against the state for taxes upon lands under mortgage to the state when it becomes necessary to pay such taxes in order to prevent loss of title to the land; also to audit and order to be paid claims for costs of foreclosure, sheriff fees, cost of abstracts and advertising costs in connection with the foreclosure of such

Payment of taxes and costs of foreclosure authorized.

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mortgages when it finds the payment thereof to be absolutely necessary in order to protect the interests of the state. No such payment shall be made unless duly authorized by the said board.

All such claims when audited and ordered to be paid by the board shall be paid from the state farm loan sinking fund.

State treasurer to transfer funds.

On the last day of March, of June, of September, and of December, of each year the state treasurer shall transfer from the state farm loan sinking fund to the public school interest and income fund a sum equal to the interest then accrued and unpaid on the balance of the aforesaid sum of four million two hundred fifty thousand six hundred twenty-five and 95/100 dollars ($4,250,625.95) figured at two per centum (2%) per annum if sufficient money is available. He shall at the same time transfer to the public school permanent fund the balance of the money in the state farm loan sinking fund, and he shall notify the state auditor and the commissioner of state lands and investments of all such payments.

State board of land commissioners to compute interest.

The state board of land commissioners shall cause to be computed the total amount of the interest payments, figured at the rate of interest contracted to be paid in each of such farm mortgage loans, lost to said public school permanent fund by reason of failure of payment of farm mortgage loans during the whole, or any part, of the period since such farm mortgage loans were executed, with credit to be granted on such interest payments due for the two per centum (2%) interest which has been paid since 1935; and upon satisfaction of the obligation of four million two hundred fifty thousand six hundred twenty-five and 95/100 dollars ($4,250,625.95), together with interest at two per centum (2%) per annum, acknowledged and directed to be paid above, the state treasurer shall on the last day of March, of June, of September, and of December, of each succeeding year transfer from the state farm loan sinking fund to the appropriate public school funds, pursuant to Section 5 of Article XI of the constitution, all moneys in the state farm loan sinking fund, and he shall notify the state auditor and the commissioner of state lands and investments of all such payments, until such total amount of interest payments as computed by the state board of land commissioners is fully paid."

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Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1949.

CHAPTER 192

An Act to Amend Chapter 82 of the Montana Session Laws of 1937, as Amended by Part IX of Chapter 5, of the Montana Session Laws of 1941, and as Amended by Chapter 216 of the Montana Session Laws of 1947, by Amending Sections 3, 4 and 8 of Part IX of Chapter 5, of the Montana Session Laws of 1941, Providing Increased Payments to Persons Having Silicosis as Defined in the Act and by Authorizing Such Additional Appropriations as May Be Necessary to Make Such Increased Payments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Part IX, Chapter 5 of the Montana Session Laws of 1941, as amended by Chapter 216 of the Montana Session Laws of 1947, be and the same is hereby amended to read as follows: Sec. 3, Part IX, Chap. 5, laws of 1941, as amended, further amended.

"Section 3. **Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined.**

Payments shall be made under this part to any person who (a) Has silicosis, as defined in this part, which results in his total disability *so as to prevent him from engaging in a gainful occupation. The term 'gainful occupation' as used herein shall not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential.* Eligibility requirements for aid to persons having silicosis. "Gainful employment," construction of.

(b) Has resided in and been an inhabitant of the State of Montana for ten (10) years, or more, immediately preceding the date of the application.

(c) Is not at the time of receiving a payment under this part an inmate of any public institution, except Montana state tuberculosis sanitarium. If the person to whom payment has been ordered to be paid is an inmate of the

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Montana state tuberculosis sanitarium, then and in that case the payment herein provided for shall be made to his wife and children if any.

(d) Is not receiving, with respect to any month for which he would receive a payment under this part, compensation under the workmen's compensation act of the State of Montana, which will equal the *fifty ($50.00) dollars* payment allowed hereunder. If he is receiving payments from either or both of these plans which is less in the aggregate than *fifty ($50.00) dollars* per month, then if he is entitled to a payment under this part that payment shall be the difference between the amount which he is receiving under these plans and *fifty ($50.00) dollars* per month."

Sec. 4, Part IX Chap. 5, laws of 1941, as amended, further amended.

Section 2. That Section 4 of Part IX, Chapter 5 of the Montana Session Laws of 1941, as amended by Chapter 216 of the Montana Session Laws of 1947, be and the same is hereby amended to read as follows:

Amount of payments.

"Section 4. **Amount of Payments.** Any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of *fifty ($50.00) dollars* per month subject to such appropriations as may from time to time be made. The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein."

Sec. 8, Part IX, Chap. 5, laws of 1941, as amended, further amended.

Section 3. That Section 8 of Part IX, Chapter 5 of the Montana Session Laws of 1941, as amended by Chapter 216 of the Montana Session Laws of 1947, be and the same is hereby amended to read as follows:

Conformity with acts of federal government.

"Section 8. **Conformity with Acts of Federal Government.** If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed *fifty ($50.00) dollars* per month exclusive of any grants made by congress."

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Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1949.

CHAPTER 193

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 6, Article XIII of the Constitution of the State of Montana, Relating to the Limitation of Indebtedness of Liability of School Districts, Cities, Towns, or Townships.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6, of Article XIII of the constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the state at the general election to be held in November, 1950. Sec. 6, Art XIII, Constitution of Montana, provision for amendment of.

Section 2. That Section 6, of Article XIII of the constitution of the State of Montana be, and the same is hereby amended to read as follows:

"Section 6. No city, town, township or school district shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding *five* per centum *(5%)* of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such city, town, township or school district shall be void; provided, however, that the legislative assembly may extend the limit mentioned in this section, by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt." Content of Sec. 6, Art. XIII of constitution as proposed.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed upon an official ballot provided for by Chapter 67, Revised Official ballot.

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Codes of Montana, 1935, as amended by Chapter 81, Session Laws of Montana, 1939, and as amended by Chapters 67 and 141, Session Laws of Montana, 1947, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment.

Approved March 3, 1949.

CHAPTER 194

An Act to Amend Section 5132 of the Revised Codes of Montana of 1935, as Amended by Chapter 73 of the Laws of the Twenty-sixth Legislative Assembly, 1939, as Amended by Chapter 98 of the Laws of the Twenty-ninth Legislative Assembly, Relating to Service Pensions, Disability Pensions and Widows' and Orphans' Pensions to Be Paid Members or Survivors of Members of Fire Departments in Cities and Towns Where Firemen's Relief Associations Have Been Formed.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5132 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 5132 of the Revised Codes of Montana, 1935, as amended by Chapter 73 of the laws of the twenty-sixth legislative assembly of the State of Montana, as amended by Chapter 98 of the laws of the twenty-ninth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Pensions to retired firemen.

"Section 5132. **Pensions to Retired Firemen.** Each and every fire department relief association organized and existing under the laws of this state shall pay to each of its members who elect to retire from active service after having completed twenty (20) years or more of active duty and has reached the age of fifty (50) years *as a fully paid member of a paid,* or partly paid and partly volunteer fire department of the city or town wherein such association has been formed, out of any money in the association's 'disability and pension fund', a 'service pension' in an amount which shall be equal to one-half (½) of the sum last received by the member as a monthly compensation for his services as an active member of said fire department. Pro-

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vided, such association may at any time, by a two-thirds (2/3) vote of the members thereof, increase or decrease the said service pension whenever the financial condition of the association's 'disability and pension fund' shall warrant such action; provided, that no increase shall be effected as will increase the said 'service pension' to an amount in excess of a sum equal to one-half (½) of the monthly active duty compensation last received by the member; provided, further, that no decrease shall be effected unless the balance in the 'disability and pension fund' is less than one-half (½) of one per cent (1%) of the taxable valuation of all taxable property within the limits of the city, town or municipality. In case of volunteer men the compensation shall in no event exceed the sum of seventy-five dollars ($75.00) per month.

Members of volunteer fire departments.

A member of a pure volunteer fire department who has served twenty (20) years or more as an active member of such a fire department, without qualifying as to any provisions pertaining to an attained age, shall be entitled to the benefits provided for by this act."

Severability of act.

Section 2. If any clause, sentence, section, paragraph, or part of this act shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

CHAPTER 195

An Act Creating the Montana Resources Development Board, Defining Its Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana resources development board created.

Section 1. For the purposes herein provided there is created the "Montana resources development board."

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Membership.

Section 2. The board shall consist of three (3) members who shall be appointed by the governor. The board is hereby made a body politic and corporate.

Organization.

Section 3. The board shall organize by selecting from its membership, a chairman and vice-chairman. It may select a secretary from among its members or a secretary who is not a member of such board.

Duties of board.

Section 4. It shall be the duty of such board to conduct a survey of the industrial and business opportunities and other possibilities of development in the state and to aid wherever possible in bringing new business to the state, and in encouraging business already established in the state to remain. It shall be the duty of such board to also make a study of policies and action by the state, its officials, departments and commissions, which, in its opinion, should be adopted in order to encourage new business to come to the state and business already established within the state to remain, and in making such study it shall be the duty of all state officials, commissions, boards, and departments to give to the board, information which it might desire in making such study.

Report and recommendations.

Section 5. The board shall make a report to the next session of the state legislature, relative to its activities and studies together with recommendations as to policies and action by the state, its officials, departments and commissions which should be adopted in order to encourage new business to come to the state and to encourage business already established in the state to remain, and said board shall report to the governor of the State of Montana at any time, upon request by him, in full or as to any part or division of the information acquired by it.

Records open to inspection.

Section 6. Its records and the information acquired by it shall be open to the inspection of the public and to such persons as are interested therein.

By-laws.

Section 7. The board may adopt all needful by-laws, rules and regulations for the conduct of the business and affairs of such board.

Duration of existence of board.

Section 8. The existence of the board shall expire and all its functions shall cease on December 31, 1950.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 10. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1949.

CHAPTER 196

An Act to Amend Section 2295.10 of the Revised Codes of Montana, 1935, as Amended by Chapter 29, Laws of 1941, Relating to Income Tax Exemptions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2295.10 of the Revised Codes of Montana, 1935, as amended by Chapter 29, laws of 1941, be, and the same is hereby amended to read as follows: Sec. 2295.10 R. C. Mont. 1935, as amended, further amended.

"Section 2295.10. **Exemptions — Change of Status of Taxpayer — Death of Taxpayer During Taxable Year.** The following exemptions shall be allowed to any taxpayer: Exemptions.

(1) In the case of a single person or a married person not living with or supporting a husband or wife or family, a personal exemption of one thousand dollars ($1000.00). Single person.

(2) In the case of the head of a family or a married person living with a husband or wife, a personal exemption of two thousand dollars ($2000.00). A husband and wife living together shall receive but one personal exemption, the amount of which shall be two thousand dollars ($2000.00). If such husband and wife make separate returns, the personal exemption shall be equally divided between them. *If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under subdivision three (3) of this section, the credit under such subdivision shall be disallowed with respect to one of such dependents.* Head of family. Husband and wife.

(3) Three hundred dollars ($300.00) for each person (other than husband and wife) dependent upon and receiving his chief support from the taxpayer. For each dependent.

(4) The exemptions allowed by subdivisions one (1) and two (2) of this section shall, in case the status of the taxpayer changes during the taxable year, be the sum of (a) an amount which bears the same ratio to one thousand Change of status of taxpayer.

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dollars ($1000.00) as the number of months during which the taxpayer was unmarried or a married person not living with husband or wife bears to twelve (12) months, plus (b) an amount which bears the same ratio to two thousand dollars ($2000.00) as the number of months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to twelve (12) months. For the purposes of this subdivision a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered a month.

Apportionment of exemption and credit.

(5) If the status of the taxpayer, insofar as it affects the personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amount to more than half a month in which case it shall be considered as a month.

Death of individual during taxable year.

(6) In the case of an individual who dies during the taxable year, the exemptions allowed by subdivisions one (1), two (2) and three (3) of this section shall be determined by his status at the time of his death, and in such case exemption shall be allowed to the *decedent and the* surviving spouse, if any, *on the pro rata basis as provided for in subdivision five (5) of this section.*

Non-resident taxpayer.

(7) *In the case of a non-resident taxpayer, he shall be entitled to that portion of the exemption granted herein that his net income within the state bears to the entire net income wherever earned, not to exceed that allowed to a resident taxpayer.*

Fiduciary of an estate or trust.

(8) *In the case of a fiduciary of an estate or trust, the exemption credits shall be the same as are allowed to single persons under this section.*"

Effective date.

Section 2. This act shall be in full force and effect with reference to returns based upon incomes for the calendar year of 1949, and subsequent years. It shall be in full force and effect with reference to returns based upon incomes for fiscal years ending in 1950, and in subsequent years.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1949.

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CHAPTER 197

An Act Prohibiting the Licensing, Use, Operation, Keeping or Maintenance of Slot Machines Within the State of Montana; Defining Certain Terms Used in This Act; Providing penalties for the Violation of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for a Referendum On This Act; and Providing for Local Option Elections in Counties on the Question of the Licensing and Operation of Slot Machines and Specifying the Procedure for Holding Said Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Slot machines, possession or operation of unlawful.

Section 1. From and after the passage and approval of this act, it shall be a misdemeanor and punishable, as hereinafter provided, for any person to use, possess, operate, keep or maintain for use or operation or otherwise, anywhere within the State of Montana, any slot machine of any sort or kind whatsoever.

Definition of a slot machine.

Section 2. A slot machine is hereby defined as a machine operated by inserting a coin, token, chip or trade check therein by the player and from the play of which he obtains, or may obtain, money, checks, chips or tokens redeemable in money. Merchandise vending machines where the element of chance does not enter into their operation are not within the provisions of this act.

"Person" or "persons"— definitions of.

Section 3. In addition to their ordinary meaning, the word "person" or "persons", as used in this act, shall include both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders and societies, including religious, fraternal and charitable organizations.

Penalties.

Section 4. Any person, partnership, club, society, fraternal order, corporation, co-operative association or any other person, individual or organization who violates any of the provisions of this act, or who permits the use of any slot machine, as herein defined, on any place or premises owned, occupied or controlled by him or it, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or by imprisonment in the

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county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Repealing clause and effective date.

Section 5. All acts and parts of acts in conflict herewith, particularly all laws of this state and all ordinances of cities and towns relating to the issuance of licenses for the operation of slot machines, are hereby repealed and this act shall take effect and be in force and effect on and after the 31st day of December, 1950, as to Sections 1 to 6, inclusive, provided *a majority of the votes cast on this issue are against the operation of slot machines, and if a majority of the votes so cast are for the operation of slot machines, the act shall be in effect on said date as to Sections 8 to 15, inclusive.*

Proviso.

Separability of act.

Section 6. If any part of this act shall be declared by any court of competent jurisdiction to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

Referendum on act required.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required and it is made his duty to submit this measure, in accordance with Section 1 of Article V of the constitution of the State of Montana, and all other provisions of the constitution and laws of the State of Montana applicable thereto, to the people of the state for their approval or rejection at the general election to be held in November, 1950. The official ballot used in said election shall have printed thereon the title of the act and opposite the same shall be printed the words and squares:

Official ballot.

☐ For the operation of slot machines.

☐ Against the operation of slot machines.

Each elector shall designate his preference by marking an "X" in the square opposite the proposition for which said elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned, and canvassed and the same shall be determined and declared in the manner provided by the general election laws of the state.

Local county elections.

Section 8. In the event that upon the referendum provided for by this act a majority of the votes cast shall be "for the operation of slot machines", and election may be held in any county in this state to determine whether

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or not such machines may be operated in said county, in the following manner:

Petition for election.

Upon application by petition signed by qualified electors in numbers equalling twenty (20) per cent of the total vote cast in their county at the last general election, the board of county commissioners must order an election to be held at the places of holding elections for county officers, to take place within forty (40) days after the reception of such petition to determine whether or not slot machines may be licensed and operated in said county. No election under this section must take place in any month in which the general elections are held. It shall be the duty of the board of county commissioners to determine the sufficiency of the petitions presented from an examination of the roll of qualified electors within the county.

Duty of county commissioners.

Notice of election.

Section 9. The notice of election must be published once a week for four weeks in such newspaper of the county where the election is to be held as the board of county commissioners may think proper.

Ballot.

Section 10. The county clerk must furnish the ballot to be used at such election, as provided in the general election laws, which ballots must contain the following words: "For the operation of slot machines," "Against the operation of slot machines" and the elector, in order to vote, must mark an "X" opposite one of the answers.

Election, how conducted.

Section 11. The polling places must be established and judges and other officers to conduct the election must be designated and the election must be held, canvassed and returned in all respects in conformity to the general election laws of the State of Montana.

Result of election, publication of.

Section 12. If a majority of the votes cast are against the operation of slot machines, the board of county commissioners must publish the result once a week for four weeks in the newspapers in which the notices of the election were published, and from and after the date of the election no further licenses shall be issued by the state board of equalization for the operation of slot machines within said county. Thereafter it shall be unlawful for any person to use, possess, operate, keep or maintain for use or operation any slot machine within said county.

Frequency of election limited.

Section 13. No election shall be held in the same county oftener than once in any two years.

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Contested, how.

Section 14. Any election held under the provisions of this act may be contested in the same manner as other elections under the laws of the state.

Sections 1, 2, 3 and 4 of act, effective when.

Section 15. *If a majority of the votes cast in any such local option election, as hereinabove provided are* against the operation of slot machines in such county, then the provisions of Sections 1, 2, 3 and 4 of this act shall be in full force and effect in all such counties in the State of Montana.

Effective date, as to Sec. 7 of act.

Section 16. This act shall be in full force and effect as to Section 7 thereof from and after its passage and approval.

Approved March 3, 1949.

CHAPTER 198

An Act to Amend Section 2396.4, Revised Codes of Montana, 1935, as Amended by Chapter 96, Session Laws of the Twenty-fifth Legislative Assembly and by Chapter 67 of the Session Laws of the Twenty-sixth Legislative Assembly and by Chapter 130 Session Laws of the Thirtieth Legislative Assembly of the State of Montana, Relating to Refund of Gasoline License Taxes by Providing the Manner of Proving Claims in Case of Destroyed Invoices.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2396.4 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 2396.4, Revised Codes of Montana, 1935, as amended by Chapter 96, Session Laws of the twenty-fifth legislative assembly and by Chapter 67 of the Session Laws of the twenty-sixth legislative assembly and by Chapter 130 Session Laws of the thirtieth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Refund of gasoline tax.

"2396.4. That any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the State of Montana, under the laws of this state licensing dealers in gasoline, *a state gallonage tax,* for the purpose of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aero-

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planes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to *the unit state gallonage tax*, multiplied by the number of gallons of gasoline so purchased and used, provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construction, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided, that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase of such gasoline showing such purchase and use, which statement shall set forth in words and figures, the total amount of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them. All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within six (6) months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have sixty (60) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and same shall be paid out of the gasoline license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the gaso-

Refund to counties, cities, towns and school districts.

Showing required of claimant.

Time for filing applications limited.

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line upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

Approval or rejection by board of equalization.

"Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Permits for filing claims.

"Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath and shall contain, among other things, the name, address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Record required.

"Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

Suspension of permit.

"Whenever a claim shall be rejected upon the ground of fraud, as above provided, the state board of equalization may suspend the claimant's permit, for a period not exceeding one year, and no claim shall thereafter be approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

Subjection to conditions, rules and regulations applicable to individuals.

"All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules and regulations applicable to individuals and as such subdivisions

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can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

Separate invoices for each purchase.

"When gasoline is sold to a person who shall claim to be entitled to a refund of the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase; *provided, however, that in case the separate invoice delivered to the purchaser at the time of sale be destroyed by fire or tornado or flood or other catastrophe beyond his control he may make claim to the board of equalization for such refund, supporting the same by affidavit and such evidence as may be required by the board, including an actual duplicate carbon copy of the original invoice or invoices. If the board be satisfied as to the sufficiency of the claim and supporting evidence, proper refund shall be made six (6) months thereafter. Except where surrendered to the purchaser for such purpose, the seller shall retain the duplicate original invoices for the period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.*"

Claim, when invoice has been destroyed, how supported.

Seller to retain duplicate invoices.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1949.

CHAPTER 199

An Act Providing Equalization of Financial Distribution for All Elementary and Secondary Schools in Order to Maintain a Uniform System of Free Public Schools; Pro-

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viding Schedules for Determining Support of Foundation Financial Program for Public Elementary and Secondary Schools; Providing for Abolishment of State Public School General Fund; Providing for a Change of Name for the State Common School Equalization Fund; Providing That the State Board of Education Shall Administer the State Public School Equalization Fund; Providing for the Raising of School Revenues by School District and County Taxes and for Payments by the State in Support of the Public Schools Within Prescribed Limits; Providing for Restrictions on School Budgets; Providing for Applications for Approval of Isolated Schools and for Action Thereon by the County Budget Board and County Superintendent of Schools; Providing for Elections to Vote Upon Extra Levies; Providing the Method of Distribution of School Funds; Providing for Notice by State Superintendent If State Fund Is Inadequate; Providing for Resolution to Issue and for Issuance of Warrants When a Deficiency Exists in State Aid; Providing the Method of Payment of Such Warrants; Amending Sections of the Revised Codes of Montana of 1935, and of the Session Laws as Follows: Section 1019.19, 1202, as Amended by Chapter 273, Laws of 1947, 1219 and 1263.5, as Last Amended by Section 1, Chapter 280, Laws of 1947, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Uniform system of free public schools.

Section 1. **Uniform System of Free Public Schools.** A uniform system of free, public schools, sufficient for the education of, and open to all children of the state of school age shall be established and maintained throughout the State of Montana. The state shall contribute to and aid in the support of such schools upon the basis of financial need for state aid of the several school districts of the state, which needs shall be determined upon the availability to them of funds from the regular sources of income of such school districts, in accordance with this act and computed upon the schedules herein set forth setting up foundation financial programs for elementary and secondary schools.

Definitions; "Average number belonging."

Section 2. **Definitions — Schedules of Financial Program.** The term "average number belonging" or "ANB" shall mean the average number of regularly enrolled, full-

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time pupils attending a public school, or attending public schools in a school district as a whole, which average number shall be computed by dividing the sum of the aggregate days of attendance by regularly enrolled pupils and the aggregate days of absence by regularly enrolled pupils, during the last completed school year, by the number one hundred eighty (180); provided, that attendance for a part of a day shall be counted as a day of attendance, and, provided further, when any regularly enrolled pupil has been absent, with or without excuse, for more than three consecutive school days in such school year, his absence after the third day and until his return to school shall not be included in the aggregate days of absence. The average number belonging of secondary pupils of a school district does not include the pupils of any high school which has not been accredited by the state board of education. Pupils of a junior high school which has been duly approved and accredited as such by the state board of education are to be deemed secondary school pupils for the purpose of computing average number belonging of the district in which the junior high school is situated.

"Minimum foundation program."

The terms, "minimum foundation program" and "foundation program" shall mean the amount required to operate and maintain an adequate and efficient school, as fixed and established by the schedules of minimum operating revenues set forth in Section 3 hereof.

"Isolated school."

The term "isolated school", shall mean an elementary school having an ANB of less than nine (9) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in Section 16 of this act; and the term "Isolated high school," shall mean a high school having an ANB of less than twenty-five (25) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in Section 16 of this act.

"Non-isolated school."

"Non-isolated high school."

The term, "non-isolated school", shall mean an elementary school having an ANB of less than nine (9) pupils, which has not been approved as an isolated school; and the term, "non-isolated high school," shall mean a high school having an ANB of less than twenty-five (25) pupils, which has not been approved as an isolated high school.

Section 3. **Foundation Program.** The moneys coming

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Foundation program — annual minimum operating revenue.

into said state public school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt retirement, in accordance with the following schedules:

ELEMENTARY SCHOOLS

For elementary schools.

(1) For each elementary school having eight (8) or fewer pupils and which, upon the request of the board of trustees of the district, is approved as an isolated school by the county budget board, the district shall receive twenty-five hundred dollars ($2500.00), and if said school is not approved as an isolated school, then it shall receive fifteen hundred dollars ($1500.00).

(2) Schools with an ANB in excess of eight (8) but less than eighteen (18) pupils, shall receive twenty-five hundred dollars ($2500.00), plus one hundred dollars ($100.00) per pupil on the basis of average number belonging over eight (8).

(3) Schools having an ANB of eighteen (18), but less than thirty-one (31), shall receive a maximum of thirty-five hundred dollars ($3500.00), plus twenty-seven hundred dollars ($2700.00) provided two (2) teachers are regularly employed as full time teachers in such school.

Schools having average number belonging in excess of thirty.

(4) Schools having an ANB in excess of thirty (30) will be guaranteed funds only on the basis of the total pupils (ANB) in the district for elementary pupils as follows:

For a school having an ANB of more than thirty (30) pupils the maximum of two hundred thirty eight dollars ($238.00) shall be decreased at the rate of forty cents ($0.40) for each additional pupil until the total number (ANB) shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of two hundred and ten dollars ($210.00) shall be decreased at the rate of nineteen cents ($0.19) for each additional pupil until the ANB shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred pupils, the maximum shall not exceed one hundred seventy two dollars ($172.00) for each pupil; provided that the maximum per pupil for all pupils, ANB, shall figure on the

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basis of the amount allowed herein on account of the last eligible pupil, ANB, and provided further that all the schools operated within the incorporated limits of a city or town shall be treated as a school unit for the purpose of this schedule.

HIGH SCHOOLS

High schools — guaranteed budget.

For a school having an average number belonging (ANB) of sixty (60) or fewer pupils in a school, the guaranteed budget shall not exceed three hundred and forty dollars ($340.00) for each such pupil. A school having an ANB of less than twenty-five (25) pupils shall not receive any state aid unless it has been accredited by the state board of education and is designated by said board as a school which should receive state aid.

For a secondary school having an ANB of more than sixty (60) pupils, the maximum of three hundred and forty dollars ($340.00) shall be decreased at the rate of one dollar and twenty-five cents ($1.25) for each additional pupil until the ANB shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of two hundred and ninety dollars ($290.00) shall be decreased at the rate of forty cents ($0.40) for each additional pupil until the number ANB shall have reached two hundred (200) pupils. For a school having an ANB of more than two hundred (200) pupils, a maximum of two hundred and fifty dollars ($250.00) shall be decreased at the rate of twenty-five cents ($0.25) for each additional pupil until the total number, ANB, shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum of two hundred and twenty-five dollars ($225.00) shall be decreased at the rate of five cents ($0.05) for each additional pupil until the total number, ANB, shall have reached six hundred fifty (650) pupils. Schools having an ANB in excess of six hundred fifty (650) pupils shall receive two hundred and seven dollars and fifty cents ($207.50) per pupil, provided that the maximum per pupil for all pupils, ANB, shall be computed on the basis of the amount allowed herein on account of the last eligible pupil, ANB.

In computing the amount guaranteed for the foundation program, only junior high schools which have been ap-

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proved and accredited by the state board of education shall be considered a part of the secondary enrollment.

State public school general fund abolished.

Section 4. **State Public School General Fund Abolished.** The state public school general fund, provided in Section 1200.4, Revised Codes of Montana, 1935, as last amended by Chapter 165, Session Laws of 1939, is hereby abolished, and said section repealed, as of midnight of the first day of December, 1949, and any funds remaining to the credit of said state public school general fund at the time of its abolishment shall be transferred to the credit of the state public school equalization fund, now known as the state common school equalization fund. All moneys in the state common school equalization fund shall, on December 1, 1949, be transferred to the state public school equalization fund.

Funds to be transferred to state public school equalization fund.

State common school equalization fund, change of name.

Section 5. **State Common School Equalization Fund — Change of Name.** The state common school equalization fund heretofore provided for is hereby renamed the "state public school equalization fund" and wherever the term "state common school equalization fund" or "state public school general fund" is now used in the laws of the State of Montana, the name shall be deemed to read, "state public school equalization fund." The treasurer of the State of Montana shall ever keep separate and apart from all other funds and moneys in his custody the funds of the said state public school equalization fund; and there shall be paid into said fund all money coming to the state for distribution and support of the public schools of the state, including the present allocation equal to twenty-five per cent (25%) of all moneys received from the collection of income taxes under Section 2295.1 to 2295.34, inclusive, as amended; and twenty-five per cent (25%) of all moneys received from the collection of corporation license taxes under Section 2296 to 2304, inclusive, as amended, of the Revised Codes of Montana, 1935, as provided in Section 1 of Chapter 14 of the laws of 1941; one-half (½) of the funds received from the treasurer of the United States as the state's share of oil and gas royalties under the act of congress of February 25, 1920; and all moneys which shall be appropriated to said state public school equalization fund by the legislative assembly of the State of Montana, and all moneys that may hereafter be appropriated by the congress of the United States of America for public elementary and secondary

Moneys to be paid into fund.

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schools; save and except such funds as are paid into the permanent school fund under the provisions of the constitution of the State of Montana and Section 1201, Revised Codes of Montana of 1935.

State board of education to administer fund.

Section 6. **State Board of Education to Administer State Public School Equalization Fund.** The state board of education is hereby declared to be the public school equalization board to administer and distribute said public school equalization fund in the manner and with the powers and duties provided in this act. Said board shall have the power to require such reports from the county superintendent of schools, county budget boards, county treasurers and school trustees as it may deem necessary, and shall provide rules and regulations for the purpose of carrying out the provisions of this act.

State superintendent of public instruction to compile data and make reports concerning fund.

Section 7. **State Superintendent of Public Instruction to Compile Data and Make Reports Concerning State School Equalization Fund.** The state superintendent of public instruction shall keep in his office full and complete data concerning accruals and credits to the state public school equalization fund and, in addition thereto, after July 1, 1949, the requirements of the various school districts of the state for aid from said funds to maintain the foundation financial program herein provided. The state superintendent of public instruction shall report to the state board of education at its meetings to be held in the months of July and December in each year the estimated amount which will be in the state public school equalization fund for the succeeding six months period, commencing January 1, and July 1. In any year when a session of the state legislative assembly convenes, the state superintendent of public instruction shall report to both branches of the assembly all figures and data available in his office concerning disbursements from said fund during the preceding two years, the amount then standing to the credit of said fund, and apportionment made of the moneys of said fund but not yet paid out, and the latest estimate of accruals to said fund.

Distribution of funds.

Section 8. **Distribution of Funds — Reports May Be Required.** After July 1, 1949, the state board of education shall, in the months of December and April of each year, order disbursements from the state public school equalization fund within the limitations hereinafter specified and

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upon the basis of reports made to the state superintendent of public instruction, to any county treasurer who controls the fund of any school district or joint school district which, as established by its budget duly approved for the current school year, will not have sufficient funds to maintain the foundation financial program after receipt by it of its apportioned share from the permanent school fund of the state, from other constitutional sources, if any, from payments by the federal government for Indian tuition, or other payments by it or any of its agencies in lieu of taxes, from the 5 mill district levy provided for by Section 10 of this act, the county levies provided for by this act, and from all other sources, other than payments by the federal government in aid of vocational training or for other special services; *provided, however, that the amount apportioned to any school district from said state public school equalization fund, when added to the amount apportioned to such school district from the permanent school fund, shall not exceed fifty percent (50%) of the total foundation program of such district, computed at the rates and amounts set forth in Section 3 of this act.*

Apportionment, limitation of amount of.

Each order of the state board of education, acting as the public school equalization board, for disbursements of funds from the state public school equalization fund, shall be certified to the state auditor and state treasurer, whereupon the state auditor shall draw his warrants in accordance with such order and the state treasurer shall pay the same to the several county treasurers for credit to the school districts as provided in such order.

Warrants, issuance and payment to county treasurers for school districts.

Section 9. **Changes in Budget By Budget Board — Restrictions On Budgets.** If the total amount of the proposed elementary general fund expenses in the preliminary budget of any district shall exceed the foundation program of such district, the budget board shall, in the manner and subject to the limitations prescribed by Section 1019.13 of the Revised Codes of Montana of 1935, reduce such proposed general fund expenses to a total equal to said foundation program unless the board of trustees of said district shall establish to the satisfaction of the budget board that special circumstances exist which justify such additional expenses, and in such event a statement of the reasons for the allowance of such additional expenses shall be attached to said budget and signed by the chairman of the budget

Changes in budget by budget board.

Additional expenses.

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board, but the entire amount of such excess expense over the foundation program shall be paid solely from levies upon the property in such district and shall not in any manner increase the amounts to be apportioned hereunder from the county common school levy or from the state public school equalization fund; and provided, that, except in the case of the existence of the emergencies specified in Section 1019.16 of the Revised Codes of Montana of 1935, as amended by Chapter 134, Session Laws of 1945, the entire amount of such additional expense over the foundation program to be included in the budget of any district shall not be greater than twenty per cent (20%) of the foundation program of any school; provided that nothing herein contained shall be construed as preventing the voting of an additional levy in accordance with the general school laws pertaining to the voting of additional levies.

Restrictions on budgets.

Section 10. **Fixing Tax Levy.** That Section 1019.19 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 1019.19 R. C. Mont. 1935 amended.

"Section 1019.19. **Fixing Tax Levy.** The county superintendent of schools, as clerk of the school budget board, shall, when the board of county commissioners meet on the second Monday in August for the purpose of fixing tax levies, lay before such board the elementary school budgets for all school districts in the county, as finally adopted and approved by the school budget board, *and it shall be the duty of the county commissioners of each county in the state to fix and levy a tax of five (5) mills on the dollar of the taxable value of all school districts within the county, provided that if a levy of less than five (5) mills will be sufficient to meet the approved budget of any school district, then such lesser levy shall be made, but no school district levying less than five (5) mills shall receive any apportionment from the state public school equalization fund.*

Fixing tax levy.

It shall further be the duty of the county commissioners of each county in the state to fix and levy a tax for each school district in the county within the limitations prescribed by this act in such number of mills as will produce the amount shown by the final budget to be raised by tax levy which may also include a reserve fund, not to exceed 35% of the amount appropriated in the final and approved budget for the then current school year, for the purpose

Fixing levy of tax for revenue required by final budget.

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of maintaining the elementary and high school of the district from July 1 to November 30 of the next succeeding year; provided that such school district tax shall not, unless approved by a vote of the taxpaying electors, exceed the rate of levy required to produce an amount equal to the foundation program of such district and the approved excess expense over the foundation program, within the limitations of twenty per cent (20%) hereinbefore specified."

Sec. 1202 R. C. Mont. 1935 as amended, further amended.

Section 11. **Common School Levy.** That Section 1202 of the Revised Codes of Montana of 1935, as amended by Chapter 273, laws of 1947, be, and the same is hereby amended to read as follows:

Common school levy.

"Section 1202. **Common School Levy.** In addition to the provisions for the support of the common schools, hereinbefore provided, it shall be the duty of the county commissioners of each county in the state to levy an annual tax of *ten (10) mills on the dollar of the taxable value of all taxable property* within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; *provided that if a levy of less than ten (10) mills should be sufficient to meet the total of the approved budgets of all school districts within the county, then such lesser levy shall be made, but no school district within a county levying less than ten (10) mills shall receive any apportionment from the state public school equalization fund.*

Other monies for support of common schools.

For the further support of the common schools, there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from all fines for violations of law, unless otherwise specified by law. Such moneys shall be forthwith paid into the county treasury by the officer receiving the same, and be added to the yearly school fund raised by taxation."

Sec. 1219 R. C. Mont. 1935 amended.

Section 12. **District School Taxes — Election.** That Section 1219 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

District school taxes — when election is required.

"Section 1219. **District School Taxes — Election.** Whenever the board of trustees of any school district shall deem it necessary to raise money by taxation in excess of

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the *levy required to meet its foundation program and approved additions thereto within the limitation of twenty per cent (20%) hereinbefore specified,* for the purpose of maintaining the schools of said district, or building, altering, repairing or enlarging any schoolhouse or houses of such district, for furnishing additional school facilities for said district, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, said board of trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to *the five (5) mill levy and the twenty per cent (20%) addition to its foundation program hereinbefore provided for,* and it shall submit the question of an additional levy to raise said amount to the qualified electors residing within the district who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district, or at a special election called for that purpose by the board of trustees of said district. Such election shall be called by resolution in the same manner as provided for other school elections, and shall be held prior to August first."

Election.

Section 13. **High School Budget Meeting — Restriction On Appropriations.** That Section 1263.5 of the Revised Codes of Montana, 1935, as last amended by Section 1, Chapter 280, laws of 1947, be, and the same is hereby amended to read as follows:

Sec. 1263.5 R. C. Mont. 1935, as amended, further amended.

"Section 1263.5. **High School Budget Meeting — Restriction of Appropriations.** The board of trustees of every district maintaining a high school and of every county high school shall meet at the regular place of meeting of the board on the fourth Monday in June and consider, prepare and adopt a preliminary budget for the next ensuing school year for all high school purposes, and any taxpayer may appear at such meeting and be heard in regard to the preliminary budget. Such meeting may be continued from day to day, but not exceeding three (3) days in all for third class school districts or five (5) days in all for first and second class districts and county high schools. The total amount appropriated in part I of the preliminary budget for any high school shall not exceed the foundation program of such high school except as hereinafter provided in Section 14 hereof; provided that

High school budget meeting.

Restriction on appropriation.

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nothing herein contained shall be construed as preventing the voting of an additional levy in accordance with the general school laws pertaining to the voting of additional levies."

Reduction in budget by budget board.

Section 14. **Reduction In Budget By Budget Board — Allowance of Additional Expenses Over Foundation Program.** If the total amount of the proposed general fund expenses in the preliminary budget of any district or county high school shall exceed the foundation program thereof, the budget board shall, in the manner provided by Section 1263.13 of the Revised Codes of Montana of 1935, reduce such proposed general fund expenses to a total equal to said foundation program unless the board of trustees of said district or county high school shall establish to the satisfaction of the budget board that special circumstances exist which justify such additional expenses, and in such event a statement of the reasons for the allowance of such additional expenses shall be attached to said budget and signed by the chairman of the budget board, but the allowance of such excess expense over the foundation program shall not in any manner increase the amounts to be apportioned hereunder from the state public school equalization fund; and provided that, except in the case of the existence of the emergencies specified in Section 1263.16 of the Revised Codes of Montana of 1935, as amended by Chapter 135, Session Laws of 1945, the entire amount of such additional expense over the foundation program to be included in any high school budget including any reserve *fund, not to exceed 35% of the amount appropriated in the final and approved budget for the then current school year, for the purpose of maintaining the elementary and high school of the district from July 1 to November 30 of the next succeeding year,* shall not be greater than fifteen percent (15%) of the foundation program of any high school.

Allowance of additional expenses over foundation program.

Levy of taxes.

Section 15. **Levy of Taxes.** It shall be the duty of the county commissioners of each county in the state to levy an annual special tax for high schools of ten (10) mills on the dollar of the taxable value of all taxable property within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes and which tax shall be collected by the county treasurer at the same time and in the same

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manner as state and county taxes are collected; provided that if a levy of less than ten (10) mills should be sufficient to meet the total of the approved budgets of all school districts within the county, then such lesser levy shall be made, but no high school within a county levying less than ten (10) mills for high school purposes shall receive any apportionment from the state public school equalization fund.

Levy sufficient to produce amount shown by final budget.

If the revenues for the operation and maintenance of any high school, including the amount apportionable from said *ten (10)* mill special tax for high schools, shall be less than the foundation program of such high school and the approved additions thereto included in its budget, within the limitation of fifteen per cent (15%) hereinbefore specified, it shall be the further duty of the board of county commissioners to fix and levy a tax, in such number of mills as will produce the amount shown by the final budget to be raised by tax levy, which tax shall, in the case of a county high school not located within a building district, be levied upon all property in the county, and shall, in the case of a county high school located within a high school building district, be levied upon all property in such building district, and which tax shall, in the case of a district high school not located within a building district, be levied upon all property within the school district, and shall, in the case of a district high school located within a building district, be levied upon all property in such building district.

Application for approval as isolated schools.

Section 16. **Application for Approval as Isolated Schools —Circumstances to Be Considered in Acting Upon Application.** Before any elementary school having an ANB of eight (8) or less may be approved as an isolated school, and before any high school having an ANB of twenty-four (24) or less may be approved as an isolated high school, the board of trustees of the district wherein said school is located shall, on or before the fifteenth day of June in each year, make written application to the budget board for such approval. Such application shall be acted upon at the time the budget of the applying district is considered, and such application shall be granted if said budget board and the county superintendent of schools shall find and determine that transportation of the pupils of such school to another school is impractical by reason

Circumstances to be considered.

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of the existence of obstacles to travel, such as mountains, rivers, poor roads, distance of the pupils' homes from county roads or highways, or the distance of such isolated school from the nearest open school having room and facilities for the pupils of such isolated school; and an elementary school may also be approved as an isolated school upon a finding and determination by said budget board, approved by the county superintendent of schools, of the existence of conditions other than obstacles to travel which would result in unusual hardship to the pupils of such isolated school if they were transported to another school; and if none of the above mentioned circumstances exist, such application shall be denied.

Distribution of money available to districts.

Section 17. **Distribution of Money Available to Districts — Formula for Apportionment of County Funds.** After the deduction of transportation reimbursements provided by law, the proceeds of the county ten (10) mill common school levy and the proceeds of the county ten (10) mill special tax for high schools, shall each be separately distributed by the county superintendent to the respective districts in the county, and the county high school if there be one, in proportion to their needs under the foundation financial program. In all cases in which the proceeds of such county levy and the five (5) mill tax for elementary schools provided for in Section 10 hereof, when added to all other funds available to the respective districts from the permanent school fund, payments by the federal government for Indian tuition, and all payments by it or any of its agencies in lieu of taxes, and other funds which must be used in support of the foundation financial program are insufficient to finance the foundation financial program, the proceeds of the county common school levy and the proceeds of the county special tax for high schools shall each be separately distributed in accordance with the following procedure:

Formula for apportionment of county funds.

1. Determine the ratio that the total funds available to all districts in the county in support of the foundation program (including proceeds of the county levy) bears to the total costs of the foundation program for all such districts.

2. Determine the ratio that the total funds available to each district in support of the foundation program (ex-

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cluding all proceeds of the county levy) bears to the cost of the foundation program of each such district.

3. Districts in which the ratio as determined in (2) above exceeds the ratio in (1) above shall not be entitled to distribution of county funds but shall be excluded from further consideration under this section.

4. After elimination of districts referred to in (3) above, determine the ratio that the total funds available to all remaining districts in the county in support of the foundation program (including proceeds of the county levy) bears to the total cost of the foundation program of all such remaining districts. Each remaining district shall then be entitled to distribution of funds from the county levy, which, when added to all other funds available to such district in support of the foundation program shall be sufficient to finance such proportionate part of its foundation program.

Joint school districts.

That part of a joint school district which lies within a county shall be treated as a separate district and one of the school districts of the county for the purpose of apportioning proceeds of the county levy. The total cost of the foundation program of such joint district shall be divided in the ratio which the number of pupils of the joint district residing in the county bears to the total average number belonging (ANB) of the joint district. The resulting amount shall be used as the foundation financial program requirement of the joint district for apportionment of the county levy.

Formula for distribution of state funds.

Section 18. **Formula for Distribution of State Funds.** At any time when the total requirements of the several counties of the state for payment from the state public school equalization fund in support of the elementary school and high school foundation financial programs of the school districts within said counties shall exceed the funds available in said equalization fund, the funds on hand shall, subject to the limitation hereinafter specified, be apportioned and paid out to the several county treasurers in accordance with the following procedure:

(1) Determine the ratio that the total funds available to all counties in the state in support of the foundation financial program (including the funds available in the

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equalization fund) bears to the total cost of the foundation financial program in all counties.

(2) Determine the ratio that the total funds available to each county in support of the foundation financial program (excluding any payment from the equalization fund) bears to the cost of the foundation financial program of all school districts of the county.

(3) Counties in which the ratio, as determined in (2) above, exceeds the ratio in (1) above, shall not be entitled to distribution of state equalization funds but shall be excluded from further consideration under this section.

(4) After elimination of counties referred to in (3) above, determine the ratio that the total funds available to all remaining counties in support of the foundation financial program, (including the total amount available from the equalization fund) bears to the total cost of the foundation financial program of all such remaining counties. Each remaining county shall then be entitled to distribution of funds from the equalization fund, which, when added to all other funds available to such county in support of the foundation financial program, shall be sufficient to finance such proportionate part of the total foundation financial program of all school districts in the county; provided, however, that the amount apportioned to any school district from said state public school equalization fund, when added to the amount apportioned to such school district from the permanent school fund, shall not exceed fifty percent (50%) of the total foundation program of such district.

Distribution by county superintendent of schools.

The county superintendent of schools shall distribute the funds received by such county from the state public school equalization fund to the respective elementary districts and high schools in proportion to the needs of each respective elementary district and high school under the foundation financial program, such distribution to be made by applying to the receipts from the state public school equalization fund the formula provided in Section 17 hereof for the distribution of the proceeds of county levies.

State superintendent to give notice if state fund inadequate.

Section 19. **State Superintendent to Give Notice If State Fund Inadequate.** On or before June 1, 1949, if the requirements of the several school districts of the state for aid from the state public school equalization fund shall

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exceed the moneys available to said fund, as soon as such facts shall have been ascertained, the state superintendent of public instruction shall certify to each county superintendent of schools the amount which will be available from said equalization fund for the school districts of his county, and the estimated deficiency of funds for state aid in support of these foundation financial programs and transportation budgets. The county superintendent, upon receipt of such certificate shall notify each school district clerk in his county of the information contained therein.

Resolution to issue warrants.

Section 20. **Resolution to Issue Warrants — Hearing.** After July 1, 1949, the boards of trustees of any school district which will have insufficient funds to meet its approved budget for operating expense, including transportation expense, because of a deficiency in the state public school equalization fund, may, by majority vote, adopt a resolution authorizing the issuance of warrants in excess of funds on hand for payment of budgeted expenses which shall not exceed, in the aggregate, the deficiency in payments from said state fund.

Notice and hearing.

Such resolutions must be adopted at a regular or special meeting of the board, and notice of the time and place of such meeting and the text of the proposed resolution shall be given ten (10) days prior to the meeting by posting copies of such notice at three (3) public places in the district and by one (1) publication of such notice in a newspaper generally circulated in the district not less than ten (10) days prior to said meeting.

Cause for adoption of resolution.

Any taxpayer on property within the district, and any parent or guardian of a school child residing in the district, may attend such meeting and be heard in support of or in opposition to such resolution. The deficiency of the state public school equalization fund, evidenced by the certificate of the state superintendent, as provided for in Section 19 of this act shall be sufficient cause for adoption of the resolution.

Authorization to issue warrants.

Section 21. **Authorization to Issue Warrants.** Upon the adoption of the resolution in the manner provided, in Section 20 hereof, the board may issue warrants against, but not in excess of, any appropriation item contained in the budget, although the county treasurer does not have sufficient funds to pay such warrants. The power hereby

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conferred to issue warrants in excess of funds on hand is in addition to the power granted boards of school trustees to issue warrants in anticipation of tax collections as provided in Section 1012 of the Revised Codes of Montana, 1935.

Method of payment of warrants.

Section 22. **Method of Payment of Warrants.** When a school district has issued warrants in payment of budgeted expenses, pursuant to Section 20 of this act, none of said warrants shall be paid from the reserve fund of the district for the school year. The board of trustees of such district shall, prior to the second Monday in August, certify to the board of county commissioners the amount required to pay such outstanding warrants with interest thereon, and said board of county commissioners shall fix and levy a tax against all taxable property in such school district in such number of mills as will be required to pay such outstanding warrants with interest thereon; provided, however, that the amount of such warrants issued in payment of high school expenses shall be separately certified to the board of county commissioners, and said board of county commissioners shall fix and levy a separate tax for the payment thereof against all taxable property in the high school building district in which such high school is located, or, if such high school is not within a building district, such tax shall be imposed upon the district in which the high school is located, or upon all property within the county in the case of a county high school not within a building district.

Special fund for payment of outstanding warrants.

When such tax is collected the county treasurer shall place the same in a special fund and use the same to pay such outstanding warrants with interest thereon. If, after all such warrants have been paid, any amount remains in such special fund, it shall be by such county treasurer transferred to the general fund of the school district, or, in the case of a county high school, to the general fund of such high school.

Repealing clause and effective date.

Section 23. That the following sections of the Revised Codes of Montana of 1935 and of the session laws, be, and the same are hereby repealed, such repeals and each thereof to be in full force and effect from and after the first day of December, 1949, to-wit: Sections 1200.1, 1200.2, 1200.3, 1200.4 as amended by Chapter 169, laws of 1939, 1200.5, 1200.6, 1200.7, 1200.8, 1200.9, 1201.1, 1201.2, 1201.3

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as amended by Chapter 132, laws of 1941, Chapter 108, laws of 1943, Chapter 129, laws of 1945 and Chapter 281, laws of 1947, and Section 1201.4.

Repealing clause.

Section 24. That the following sections of the Revised Codes of Montana of 1935 and of the session laws, be, and the same are hereby repealed, to-wit: Section 1019.7, 1039, 1203 as amended by Chapter 51, laws of 1945, 1204 as amended by Chapter 272, laws of 1947, 1263.11 as amended by Chapter 131, laws of 1941, 1263.19 and 1263.30.

Repealing clause.

Section 25. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 26. This act shall be in full force and effect from and after the first day of June, 1949.

Approved March 3, 1949.

CHAPTER 200

An Act to Amend Section 1, Chapter 152, Session Laws of 1941, Section 7, Chapter 152, Session Laws of 1941, as Amended by Chapter 116, Session Laws of 1945, and Section 13, Chapter 152, Session Laws of 1941, as Last Amended in Chapter 169, Session Laws of 1947, Relating to the Transportation of Public School Pupils, and Setting Up a Schedule for Reimbursement for Bus Transportation.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, (Chap. 152) laws of 1941 amended.

Section 1. That Section 1, (Chapter 152)*, Session Laws of 1941, be, and the same is hereby amended to read as follows:

Boards of trustees to furnish transportation, or advantages in lieu thereof.

"Section 1. **Boards of Trustees to Furnish Transportation.** The board of trustees of any school district or county high school within the State of Montana *may* furnish transportation to and from school for all pupils residing within their district, who are enrolled in the public schools of their district, and who resides three or more miles distant, over the nearest practical route, from a public elementary or secondary school. Provided, that, school boards may in lieu of transportation furnish supervised

* — Parentheses by Secretary of State.

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correspondence study; supervised home study; room, rent, or board; but any sum expended in lieu of transportation shall not exceed the per pupil cost set up by schedule in Section 7 of this act."

Sec. 7, Chap. 152 laws of 1941 as amended, further amended.

Section 2. That Section 7, Chapter 152, Session Laws of 1941, as amended by Chapter 116, Session Laws of 1945, be, and the same is hereby amended to read as follows:

Schedule for paying for individual and bus transportation, rent or board in lieu of transportation.

"Section 7. **Schedule for Paying for Individual** *and Bus* **Transportation, Rent or Board in Lieu of Bus Transportation Provided By the District.** The board of trustees may pay to the parents or legally appointed guardian of each child, eligible to transportation under this act, board or rent or provide transportation for the child, the amount called for under the following schedule in lieu of furnishing bus transportation.

(a) Three (3) and not less than five (5) miles, one (1) child *thirty cents* ($0.30) per day for each day attended; for each additional child twelve cents ($0.12), but not to exceed *sixty-six cents ($0.66)* per day for all children residing in the same household and attending a public school.

(b) Five (5) to less than seven (7) miles, one (1) child, *thirty-six cents ($0.36);* for each additional child *twelve cents ($0.12)* but not to exceed *eighty-four cents ($0.84)* per day for all children residing in the same household and attending a public school.

(c) Seven (7) to less than twelve (12) miles, one (1) child, *forty-eight cents ($0.48);* for each additional child *twelve cents ($0.12);* but not to exceed *one dollar and two cents ($1.02)* per day for all children residing in the same household and attending a public school.

(d) Twelve (12) miles or over, one child, *sixty cents ($0.60)* per day; for each additional child *twelve cents ($0.12);* but not to exceed *one dollar and twenty cents ($1.20)* per day for all children residing in the same household and attending a public school.

(e) School children living within one and one-half (1½) miles of an established bus route shall not be eligible for transportation aid; other than the services of the established route. Children living more than one and one-half (1½) miles but less than *three (3)* miles from such route shall receive transportation aid of one-half (½) the

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rates given in sub-section (a) of the schedule set up in this section. Children living three (3) miles or more from such bus route shall receive transportation aid on the basis provided in the schedule fixed in this section.

Construction of schedule.

(f) This schedule shall not be so construed as to permit elementary and high school pupils to be counted as coming from separate households, except, when said children are compelled to attend public schools in entirely separate communities, and cannot thus be transported in the same conveyance, nor cared for in the same community.

Limitations of act not applicable, in what cases.

(g) The limitations for this act shall not apply to transportation within the city or school district when the board of trustees find it economical, convenient or desirable to transport children for a distance less than three (3) miles in order to relieve congestions in a school building or to prevent the erection of new buildings, or when children live in an established school bus route and less than three (3) miles from school.

In isolated cases.

(h) In isolated cases where special facts and circumstances render payments in accordance with the above schedule inadequate and adherence to such schedule would subject the parents or guardian of a school child or the child himself to financial or physical hardship, the schedule may be altered by the county superintendent of schools subject to final written approval by the state superintendent of public instruction; provided that in no case shall the altered schedule allow more than *thirty dollars ($30.00)* per month for one child, *twelve dollars ($12.00)* per month for second child, and *six dollars ($6.00)* per month for each child in addition to two from the same family.

Application for alteration of schedule.

The applicant for such alteration of the schedule shall submit a written statement in duplicate to the board of trustees of the district which is obligated to make payment for transportation or services in lieu thereof, and to the county superintendent, stating the special facts and circumstances upon which he relies to justify the alteration. The county superintendent shall not act upon any such application unless it has been approved by the district board.

Final approval by state superintendent.

If such application be approved by the county superintendent and alteration of the schedule will result in increased payments to be made by the state to the district,

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the application and pertinent data and the decision of the county superintendent shall be submitted to the state superintendent of public instruction for final approval or disapproval.

(i) Except as provided above, this schedule shall not be altered by any authority, other than the legislative assembly of the State of Montana.

Schedule of maximum expenses for bus transportation to be reimbursed from state funds.

(j) *Schedule of maximum expenses for bus transportation to be reimbursed from state funds. The maximum expenditures which may be reimbursed to any school district from the state public school equalization fund for school bus transportation furnished by a school district either by operation of a school bus, or buses owned or hired by it, or by contract with a school bus operator shall be as follows:*

(1) For each bus having a manufacturer's rated passenger capacity of thirty (30) or less, twenty cents ($0.20) per bus mile traveled over the official route established by the board of trustees and by the state superintendent of public instruction.

(2) For each bus having a manufacturer's rated passenger capacity of more than thirty (30), the rate established by sub-section (a) above, plus the sum of one-half cent ($0.005) per bus mile traveled over the official route for each additional manufacturer's passenger rating in excess of thirty (30).''

(k) No child attending public elementary school shall be required by any school board to ride a school bus, under average road conditions, more than one (1) hour per trip of said child in said school bus, without the consent of the child's parents or guardian.

Appointment of a supervisor of transportation authorized.

(l) For the purpose of developing economy and efficiency in the transportation of school children, the state superintendent of public instruction shall be authorized with the approval of the state board of education to employ a competent person as supervisor of transportation. Not less than one-half of his time shall be devoted to this service. The other time may be spent as provided by law, or as otherwise provided. His salary and expenses shall be paid in proportion to time spent as transportation supervisor from the transportation funds as approved by the state board of education.

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Section 3. That Section 13, Chapter 152, Session Laws of 1941, as last amended by Chapter 169, Session Laws of 1947, be, and the same is hereby amended to read as follows:

Sec. 13, Chap. 152, laws of 1941, as amended, further amended.

"Section 13. **Reimbursements.**

Reimbursements.

(a) Each school district and each county high school meeting the requirements of this act shall be entitled to reimbursement from the state public school general fund in an amount of one-third (1/3) of the schedule provided for transportation, or services rendered in lieu of transportation, annually on presentation to the state superintendent of public instruction, through the office of the county superintendent of schools, or certified claims for such reimbursement using for such purpose the forms provided by the state superintendent of public instruction. Such reimbursement shall be made in accordance with the provisions of Section 1200.1, 1200.6, 1200.7 and 1200.9 of the Revised Codes of Montana, 1935, except that the schedules provided in this act for individual transportation and *bus transportation* or services in lieu thereof, shall be used instead of any schedule which may have been heretofore or may hereafter be fixed and promulgated by the state board of education. In determining the cost of transportation, or services in lieu thereof, no amount shall be included except those which have been paid out by a school district or county high school in the regular manner provided for the payment of other financial obligations for the maintenance of their schools.

Districts maintaining elementary school or transporting pupils to another district.

(b) Each school district maintaining one or more elementary schools, or providing for the transportation of its elementary pupils to attend school in another district, meeting the requirements of this act, shall be entitled to reimbursement from the county common school fund provided by the tax levy authorized and made in accordance with the provisions of Section 1202, of one-third (1/3) of the schedule provided for transportation, or services rendered in lieu thereof, semi-annually, such reimbursement to be made on duplicates of the certified claims for reimbursement by the state. No apportionment shall be made of such common school fund in either June or December in each year until after such reimbursements therefrom have been made to such school districts."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date, and saving clause.

Section 5. This act shall be in full force and effect from and after its passage and approval, but shall not affect in any manner whatever elementary and high school budgets heretofore adopted for the school year July 1, 1948 to June 30, 1949, inclusive.

Approved March 7, 1949.

CHAPTER 201

An Act to Amend Section 1805.20 of the Revised Codes of Montana, 1935, as Amended by Section 2 of Chapter 207 of the Montana Session Laws, 1945, and by Section 1 of Chapter 254 of the Montana Session Laws, 1947; and Section 1805.25 of the Revised Codes of Montana, 1935, as Amended by Section 6 of Chapter 207 of the Montana Session Laws, 1945, and by Section 3 of Chapter 254 of the Montana Session Laws 1947; Providing for an Increase in the Rental Rate of State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1805.25 R. C. Mont. 1935, as amended, further amended.

Section 1. That Section 1805.25 of the Revised Codes of Montana, 1935, as amended by Section 6 of Chapter 207 of the Montana Session Laws, 1945, and by the Section 3 of Chapter 254, of the Montana Session Laws, 1947, be, and the same is hereby amended as follows:

Annual rental rate for grazing land.

"Section 1805.25. Prior to January 1, 1951, the state board of land commissioners shall establish the rental rate for all state grazing lands upon the animal-unit-month basis as provided in this act, and until February 28, 1952, leases and renewals of leases of state grazing lands in which the lease term is to begin prior to March 1, 1952, or the current term of the lease to be renewed expires prior to said last named date, may be made upon the following conditions as to rate of rental:

Classification for determining rental rate.

For the purpose of determining the per annum rental rate per section of grazing land for any part of the period ending February 28, 1952, they shall be classified as follows:

Class 1. Extra good grazing land, *sixty-three dollars ($63.00)* per section and upward to such amount as may be fixed by the state board of land commissioners.

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Class 2. Good grazing land, well sodded with grass, *fifty-four dollars ($54.00)*.

Class 3. Fair grazing land, with medium grass, *forty-five dollars ($45.00)*.

Class 4. Poor grazing land, thinly grassed, *thirty dollars ($30.00)*.

Class 5. Any other grazing land, such amount as may be fixed by said board.

Valuation for leasing, how made.

Valuations for purposes of leasing shall be made from plats, records and information on file in the office of the commissioner of state lands and investments, by competent persons, qualified for this work. Beginning February 28, *1950*, except in such leases as the rental rate has been fixed by competitive bidding, the annual rental under leases of state grazing lands outstanding July 1, *1949, as herein provided*.

Sec. 1805.20 R. C. Mont. 1935 as amended, further amended.

Section 2. That Section 1805.20 of the Revised Codes of Montana, 1935, as amended by Section 2 of Chapter 207 of the Montana Session Laws, 1945, and by Section 1 of Chapter 254 of the Montana Session Laws, 1947, be and the same is hereby amended as follows:

Lease of agricultural lands — rental basis.

"1805.20. Under the general direction and control of the state board of land commissioners, the commissioner shall lease all agricultural and grazing lands and all town and city lots open to leasing upon proper application, provided that, as to agricultural lands, all leases not outstanding (for the next and succeeding years hereafter) and all leases hereafter made, and all renewals of leases, shall be continued or made upon a crop share rental basis of not less than *one-fourth* (¼) of the annual crops to the state, or the usual landlord's share prevailing in the district, whichever is greater. In unusual cases the board may authorize a lease upon other basis than crop share, but in all such unusual cases the board shall set forth in its minutes of approval the unusual conditions of the case and the rental to be charged, and by unusual conditions is meant a proposed use of the land for other than the annual production of agricultural crops justifying, in the opinion of the board, a greater money rental of the land than the value of the usual landlord share of annual agricultural crops in the area in which the land is situated, and provided further that, from and after February 28, 1952, the rental

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Rental rate for grazing lands after Feb. 28, 1952.

rate for all state grazing lands leased and to be leased shall be based upon the appraised animal-unit-month carrying capacity of the land multiplied by the rate per animal-unit-month as fixed in this act, and provided further that, as to town and city lots owned by the state, the fair rental value thereof shall be determined from time to time under the direction of the commissioner and with the approval of the state board of land commissioners and record made thereof, and such town or city property may be leased at its current appraised rental value for terms of not to exceed five (5) years. All leases of agricultural or grazing lands, or town or city lots shall be upon condition that the state board of land commissioners may in its discretion, offer said land for sale at any regular public sale of state lands held in the county where the land is situated, upon the same terms, and in the same manner as land not under lease."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1949.

CHAPTER 202

An Act to Amend Section 2381.12 of the Revised Codes of Montana, 1935, Relating to the License Tax Levied On Dealers in Gasoline and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2381.12 R. C. Mont. 1935 amended.

Section 1. That Section 2381.12 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Dealers' statements to state board of equalization.

"2381.12. **Dealers' Statements — Amount of Tax.** Each dealer shall, not later than the fifteenth (15th) day of each calendar month after this act has become effective, render a true statement to the state board of equalization, duly signed and sworn to, of all gasoline handled by him in this state during the preceding calendar month, and containing such other information as the state board of

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equalization may require, and shall accompany such statement with the payment to the state board of equalization of a license tax, in an amount equal to *the lawful tax per gallon imposed by Section 10, of Chapter 39, of the laws of the twenty-ninth legislative assembly of the State of Montana of 1945, and acts amendatory, or such other lawful tax as may be imposed by law* for each gallon of gasoline so handled, and upon which such license tax was not paid by any other dealer in this state, for engaging in and carrying on such business in this state. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. Any dealer engaged in or carrying on his business at more than one place or location in this state may include all such places of business in one statement."

Amount of tax.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 7, 1949.

CHAPTER 203

An Act to Establish a System of State Examination for Master and Journeymen Plumbers; Fixing the Fees to Be Charged for State Licenses, and the Disposition of the Fund Thus Created, and Providing Penalties for the Violation of the Provisions of This Act; Repealing the Following Sections of the Revised Codes of Montana, 1935, To-wit: Sections 5183, 5184, 5185, 5186, 5187, 5188, 5189, 5190, 5191, 5192, and 5193, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person working at the business of plumbing, in any incorporated city or town in this state containing more than one thousand inhabitants, either as a master plumber or as a journeyman plumber, shall first secure a state license as hereinafter provided.

License required of plumbers.

Section 2. Any such person desiring to work at the business of plumbing in any such city or town shall file

Application for license.

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his application for a state license with the secretary of the board of plumbing examiners of the State of Montana, and shall at such time and place as may be designated by the board of examiners of plumbers of the State of Montana, be examined as to his qualifications for working in such business.

Board of plumbing examiners, appointment and membership.

Section 3. Within sixty days after this act becomes a law, the governor of the State of Montana shall appoint a board of plumbing examiners consisting of five members — one master plumber, two journeymen plumbers, who shall be of legal age, residents of Montana for more than one year and shall have been at least five out of the last eight years, immediately preceding their appointment, duly licensed master or journeymen plumbers, one member to be appointed at large as representative of the public who is not engaged in the business of installing or selling plumbing equipment, and the director of the division of sanitary engineering of the Montana state board of health, or his duly designated representative, who shall be an ex-officio member and secretary of the state board of plumbing examiners. The office of the director of the division of sanitary engineering of the state board of health shall act as the office through which all business of the board shall be transacted. The appointed members of this board of plumbing examiners shall serve for a period of four years from the date of their appointment, providing however the first board of plumbing examiners shall serve as follows: one member for one year, one member for two years, one member for three years and one member for four years and the governor in making the appointment shall designate the time that each member constituting the first board shall serve. Thereafter, upon the expiration of the term of office of each member of the board of plumbing examiners or when a vacancy occurs, the governor shall make a new appointment for the unexpired term or for a period of four years. The members of the said board shall be entitled to a compensation of ten dollars per diem, each, for each and every day while actually engaged in the work of the board, the compensation, however, to be paid from the revenues realized under the provsions of this act, but not otherwise. Any applicant for a state license to work at the business of plumbing in this state shall be examined as to his qualifications by the board of examiners of plumbers for the State of Montana. It shall be the duty of the said

Term of office.

Compensation.

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board to examine each applicant for a state license as provided for in this act, to determine his qualifications and fitness for carrying on the business of a master plumber or journeyman plumber, and if the applicant successfully passes the examination as prescribed by the said board, then a state license shall be issued to such applicant for such license, authorizing him to engage in the business and occupation of a master plumber or a journeyman plumber, as the case may be, which license, when issued, shall authorize the holder thereof to carry on the business of a master plumber or a journeyman plumber, as the case may be, in any city or town in the State of Montana.

Duty of board to examine applicants.

License.

Section 4. Any person, firm, or corporation desiring to engage in or work in the business of plumbing, either as a master plumber or as a journeyman plumber, in this state, shall apply to the secretary of said board of plumbing examiners, by filing a written application with the secretary of the board, stating his place of residence, age, experience, and the place where he has acquired his experience, and shall at such time and place as may be designated by the said board, as herein provided for, be examined as to his qualifications for said license. In the case of a firm or corporation, the examination and issuing of a state license to any one member of the firm, or to the manager of the corporation, shall satisfy the requirements of this act as to master plumbers, but not as to journeymen plumbers; provided, however, that no person shall do the work of a master plumber unless licensed as provided for in this act.

Written application to be filed by person, firm or corporation.

Section 5. No applicant for a master plumber's license shall be entitled to submit to the examinations prescribed by the said board of plumbing examiners until he shall have deposited with the secretary of the said board the sum of twenty-five dollars as an examination fee, and no applicant for a journeyman plumber's license shall be entitled to submit to the examination prescribed by the said board of plumbing examiners until he shall have deposited with the secretary of said board the sum of ten dollars as an examination fee. Each state license when issued shall expire one year from the date of its issuance, and shall have no force or effect after the expiration of one year after the date of its issuance. Any state license, however, issued to a master plumber or a journeyman plumber

Fees for examination.

Renewal of licenses, fees for.

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shall be renewed annually, without examination, at any time prior to its expiration, by a written request for its renewal, directed to the secretary of the said board of plumbing examiners, and the payment of the sum of ten dollars for a renewal of a master plumber's license, and the sum of five dollars for a journeyman plumber's license, and any such renewal shall also be for the period of one year.

Apprentices.

Section 6. Nothing in this act shall prohibit any person from working as an apprentice in said trade of plumbing with a plumber duly licensed by said board as herein provided for, and under such rules and regulations as may be prescribed from time to time by said board of plumbing examiners; provided, the name and residence of each apprentice, and the names and residences of their employers, shall be duly filed with said board, and a record shall be kept by said board, showing the names and residences of such apprentices.

Disposition of moneys paid for fees.

Section 7. All moneys paid for state license fees as provided for in this act shall be placed in the custody of the state treasurer, who shall keep such sums in a distinct fund, and any moneys in such fund shall be applied in defraying any expenses incurred by the state board of examiners of plumbers in carrying out the provisions of this act.

Revocation of licenses.

Section 8. The state license and permit granted as herein provided may be at any time revoked for incompetency, dereliction of duty, or other sufficient cause, after a full and fair hearing by said board.

Board of plumbing examiners — quorum — rules and regulations.

Section 9. A majority of said board of plumbing examiners shall constitute a quorum for the purpose of transacting any and all business that may come before the board. This said board of plumbing examiners is hereby authorized to adopt such rules and regulations as are necessary to carry out the intent of this act.

Plumbers now holding city licenses entitled to state licenses upon payment of fees.

Section 10. All master and journeymen plumbers, who are now holders of a city license shall be entitled to a state license, to be issued by said board of plumbing examiners immediately after its organization as provided for by this act, without submitting or being required to submit to any examination whatever, upon the payment by each of the applicants for such license of the sum of twenty-five dollars

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in the case of the master plumber, and ten dollars in the case of a journeyman plumber, and such license, when issued, shall be renewed from time to time annually as hereinbefore provided.

Penalties.

Section 11. Any person working at the business of plumbing or maintaining or conducting a plumbing shop in any incorporated city or town in this state, containing more than one thousand inhabitants, who violates any provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars for each separate offense; provided, however, that this act shall not be construed to apply to, or affect, plumbing or pipefitting in any smelter, mine, railroad or manufacturing industry.

Repealing clause.

Section 12. That Sections 5183, 5184, 5185, 5186, 5187, 5188, 5189, 5190, 5191, 5192, and 5193, Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1949.

CHAPTER 204

An Act to Amend Section 4487, Revised Codes of Montana, 1935, Relating to Authorizing the Board of County Commissioners in Each County to Appropriate Money Out of the General Fund of the County Treasury and to Authorize Said Board of County Commissioners to Make a Special Levy for the Purpose of Carrying On Work in Agriculture and Home Economics in Co-operation With the Montana State College and the United States Department of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4487 R. C. Mont. 1935 amended.

Section 1. That Section 4487, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 4487. **Extension Work in Agriculture and Home Economics — County Commissioners May Appropriate Money For.** The county commissioners of any

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Extension work in agriculture and home economics, county commissioners may appropriate money for.

county in the State of Montana may appropriate money from the general funds of the county treasury, or from funds provided by special levy, which the said county commissioners are hereby authorized to make at the same time as other levies for county purposes, for the purpose of carrying on extension work in agriculture and home economics within the said county in cooperation with the Montana state college and the United States department of agriculture. The amount of such appropriation in any county, its method of expenditure, the responsibility for the direction of the work, and the procedure of appointing agents, the compensation and conditions of service of such agents, shall be covered in memoranda of agreement between the county commissioners and the Montana state college."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1949.

CHAPTER 205

An Act to Amend Section 4, of Chapter 204, the Laws of the Twenty-ninth Legislative Assembly of 1945, and to Appropriate an Additional $325,000 Out of Any Monies in the General Fund in the State Treasury Not Otherwise Appropriated for the Purpose of Constructing and Furnishing the "Montana Veterans' and Pioneers' Memorial Building" Mentioned in Said Chapter 204, of the Laws of 1945; Providing for the Effective Date of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4, Chap. 204 laws of 1945 amended.

Section 1. That Section 4 of Chapter 204, laws of the twenty-ninth legislative assembly, 1945, be amended to read as follows:

Bids and contract.

"Section 4. The state board of examiners shall advertise for bids for the construction of said building in the manner provided by law and shall let the contract for

Performance bonds.

said building. Said board shall require both the contractor and architect to give bonds to the State of Montana in such amount as the board may determine, conditioned for the

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faithful performance of their respective duties and contract. The total cost of erecting and furnishing said building shall not exceed the sum of *seven hundred and twenty-five thousand dollars ($725,000.00).*"

Limitation of cost.

Section 2. That in addition to the four hundred thousand dollars ($400,000.00) provided for in Chapter 204, laws of 1945, there is hereby appropriated out of any monies in the general fund of the state treasury not otherwise appropriated, the sum of three hundred twenty-five thousand dollars ($325,000) to be used along with the four hundred thousand dollars ($400,000) provided for in Chapter 204 of the laws of 1945, for the construction and furnishing of the "Montana veterans' and pioneers' memorial building".

Additional appropriation.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Budget act not applicable.

Section 4. Each section of this act and every part of each section is hereby declared to be independent of each other and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Separability of act.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 7, 1949.

CHAPTER 206

An Act to Appropriate Money From the General Fund to Design, Engineer, Construct, Erect, Furnish and Operate a Suitable Building or Buildings, to be Used as a Home for Senile Men and Women; Providing for the Acquisition of a Tract of Land to Be Used as a Site for Said Home for Senile Men and Women; Authorizing the Board of Examiners to Select and Purchase a Site; Placing a Time Limit Upon the Selection of Said Site; Authorizing the Board of Examiners to Employ Architects to Design the Said Building or Buildings, and Authorizing the

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Board of Examiners to Advertise and Call for Bids for the Construction of Said Building or Buildings; Authorizing the Board of Examiners to Purchase Out of Any Remaining Monies, Furnishings for Said Building or Buildings and the Employment of Help to Operate and Maintain the Same; Defining Certain Terms Used in the Act; Providing for Application and Admission to the Home for Senile Men and Women; Providing for the Commitment to the Home of Senile Men and Women; Providing for a Warrant of Commitment; Providing for Payment of Expenses; Providing for Delivery of Senile Persons to the Home; Providing for Parole of Senile Persons; Providing Penalties for False Representation; Providing for Restoration to Capacity; Providing for Appeals; Providing for Recovery From Estates; Providing for Effective Date of Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Home for senile men and women, appropriation for.

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1949, and ending June 30, 1951.

Home for senile men and women

FROM THE GENERAL FUND

To design, engineer, construct, erect, furnish and operate a suitable building or buildings to be used as a home for senile men and women and to purchase land for a site therefor $900,000.00

Site, board of examiners authorized to select and purchase.

Section 2. The state board of examiners are hereby authorized and empowered to select and purchase a site for said building or buildings to be used as a home for senile men and women.

Architect, employment of.

Section 3. After the site has been purchased by the state board of examiners as herein provided, the said state board of examiners is hereby then authorized to employ an architect to design said building or buildings out of the funds hereby appropriated.

Section 4. After the plans have been drawn by the

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architect, the said state board of examiners is hereby authorized to advertise and call for bids for the construction of said building or buildings and to let the contract to the lowest responsible bidder and the state board of examiners is hereby authorized to reject any and all bids and to make rules and regulations regarding the bond and insurance to be furnished by the contractor. Bids and contracts for construction.

Section 5. Out of any monies remaining after the construction of said building or buildings, the said state board of examiners is authorized to furnish said building or buildings and to hire such help as is necessary to operate and maintain the same. Furnishings and necessary help.

Section 6. The following words and phrases when used in this act, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section. Definitions.

(a) "Senile person" means any person who by reason of unsoundness of mind due to advanced years, is in such condition of mind and body as to be a fit subject for care and treatment in a home for senile persons; except that no person who is afflicted with insanity, epilepsy or feeble-mindedness shall be regarded as a senile person, unless he is senile as above defined. "Senile person."

(b) "Superintendent" means the superintendent of the home for senile men and women. "Superintendent."

(c) "Home" means the home for senile men and women. "Home."

(d) "Patient" means any person for whose commitment as a senile person, proceedings have been instituted or completed. "Patient."

Section 7. Any senile person desiring to receive treatment at the home may be admitted upon his own application to the superintendent, if accommodations are available at the home, in such manner and upon such conditions as the state board of examiners of the State of Montana may determine. A person thus received at the home shall have the right to leave at any time on giving ten (10) days notice to the superintendent and shall not be detained under such voluntary admission for more than ten (10) days from and inclusive of the date of notice in writing of his intention or desire to leave unless admission procedure under other sections of this chapter be complied Admission to home. Right of person to leave.

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Mental condition as qualification for admission.

with; nor shall any person be received as a voluntary patient whose mental condition is such that he cannot comprehend the act of voluntary commitment. Upon admission to the home, the patient shall be informed in simple, nontechnical language of his rights of discharge as prescribed herein. The superintendent shall, within ten (10) days after the admission of a patient by voluntary admission, forward to the state board of examiners, a record of the patient, in accordance with rules and regulations prescribed by the superintendent.

Superintendent to forward to board of examiners a record of patient.

Commitment of senile person upon order of district court, procedure for.

Section 8. A senile person may be committed to the superintendent and detained at the home upon an order made by the district court of the county in which such person resides or in which he may otherwise be present. Any reputable citizen may file in the district court of the patient's residence or presence, a petition for commitment, setting forth the name and address of the patient and of his nearest relative and the reasons for the application. The petition shall be accompanied by a certificate dated within ten (10) days of the filing thereof on a form prescribed by the superintendent, executed by a qualified physician duly licensed to practice medicine in the State of Montana. The certificate shall contain a statement of the facts and circumstances upon which the judgment of the examiner is based, and shall show the condition of the patient examined is such as to require care and treatment in the home, and shall disclose so far as possible the particular mental illness of the patient and shall certify that the examining physician has made known to the patient the nature of the examination and the patient's response thereto. The certifying physician shall not be a relative of the person applying for the admission or of the person alleged to be a senile person.

Incidental costs.

All costs incident to the filing of the petition incurred prior to the hearing thereon, including the physician's fees for the examination and certificate, shall be borne by the person commencing the proceedings insofar as possible, otherwise by the county of the patient's residence.

Notice and hearing upon filing petition.

Upon the filing of the petition, the court shall order a hearing thereon, directing that service of written notice thereof and of the reason for such hearing be given to the patient at least ten (10) days before such hearing. Service of written notice of the hearing shall also be made within

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a like period on the nearest relative of the patient, if there be any such person known to be within the State of Montana; if not, the person with whom the patient may reside or at whose home he may be, or in his absence, upon a friend of the patient; and if there be no such person or persons, such additional service shall be dispensed with upon filing of proof that no such person is known to petitioner, except when a qualified physician, duly licensed to practice medicine in the State of Montana shall certify in writing that in his opinion harm might be inflicted upon the patient or others on account of the delay caused by giving the said ten (10) days notice, then the court hearing the petition may shorten the notice to not less than twenty-four (24) hours.

Two physicians to submit their findings after examination of patient.

The court shall appoint two qualified physicians duly licensed to practice medicine in the State of Montana, one of whom will be the certifying physician who shall be present at the hearing and adequately examine the patient. Their determination as to the necessity for care and treatment of the patient in the home shall be in writing and submitted to the court forthwith.

Counsel to represent patient.

The patient shall be represented by counsel and if unable to obtain counsel for himself, the court shall appoint counsel for him. Any counsel who may be appointed by the court shall receive such compensation for his services as the judge of the district court shall fix, such compensation to be paid by the county in the same manner as in cases where a counsel is appointed for an accused in criminal matters.

Findings to be made by the court, and a copy thereof to be transmitted to superintendent.

The court shall, upon the written determination of the two examining physicians and such other proof as may be produced at the hearing, make its findings upon such forms as may be prescribed by the superintendent, which shall be filed in the court and a copy thereof shall be transmitted to the superintendent. If the court shall determine that the patient is a senile person in need of care and treatment at the home, he shall be committed thereto, otherwise the application shall be dismissed. The court shall determine the nature and the extent of the property of the patient and of the person upon whom liability is imposed by law for his care and support and make and file in the court, its findings upon such forms as may be prescribed by the superintendent and shall transmit a copy of such findings to the superintendent.

Property of patient.

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Warrant committing the patient.

Section 9. If the patient is found to be a senile person, the court shall issue to the sheriff or other persons a warrant in duplicate committing the patient to the custody of the superintendent. Transportation of the patient shall be effected as safely and humanely as possible and in the manner prescribed by the court of commitment, but no female patient shall be taken to the home by any person not her husband, father, brother, or son without the attendance of some other woman of reputable character and mature age.

Female patient.

Costs to be paid by county.

Section 10. The costs, fees and mileage incurred and ordered by the court incident to any commitment under this act shall be paid by the county from which the patient is committed.

Patient to be under care and custody of superintendent.

Section 11. Upon delivery of any person to the home, the superintendent thereof shall retain the duplicate warrant and endorse his receipt upon the original which shall be filed in the court of commitment. Upon such delivery, the patient shall be under the care, custody, and control of the superintendent until discharged by the superintendent or by a court of competent jurisdiction.

Costs of care and maintenance.

The provisions of the law applicable to the costs of the care and maintenance of persons otherwise committed and confined in the state hospital at Warm Springs shall be applicable likewise to the costs of the care and maintenance of senile persons.

Person becoming insane, procedure in such case.

Section 12. If after being admitted to the home, any person shall become violently insane, he shall be taken by the superintendent before the district court of the county in which the home is located and the same proceedings shall be had as in other cases for commitment to the state hospital at Warm Springs, Montana.

Examinations of patients at hospital at Warm Springs to determine whether same should be transferred to the home.

Section 13. The superintendent of the hospital at Warm Springs, Montana, is authorized to have examinations of the patients at that institution made by competent doctors for the purpose of ascertaining whether some patients now in confinement there should be transferred to the home, and if as a result of such examinations any persons are found to be senile, the state board of examiners of the State of Montana is authorized to order their transfer from the state hospital at Warm Springs, Montana, to the home.

Section 14. Any senile person committed under this

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act will be paroled from the home to such persons upon such terms and under such conditions as may be prescribed by the superintendent.

Parole of senile persons.

When a patient is paroled, discharged, transferred to another hospital, dies, escapes or is returned, the superintendent having charge of the patient shall file notice thereof in the court of commitment.

Superintendent, duty of to file notice in court, in what circumstances.

Section 15. Whoever, for a corrupt consideration or advantage or through malice, shall make or join in or advise the making of any false petition or report or shall knowingly or wilfully make any false representation for the purpose of causing or having a person admitted to the home as a senile person shall be guilty of a felony and punished by imprisonment in the state penitentiary for not more than one (1) year or by a fine of not more than one thousand dollars ($1,000.00).

Penalty.

Section 16. The patient who has been committed, or any person who considers himself aggrieved by any commitment, may petition the court of commitment. Upon the filing of such petition the court shall fix a time and place for hearing thereon. Ten (10) days' written notice of the hearing shall be given to the patient or to the superintendent and to such other persons and in such manner as the court may direct.

Aggrieved patient may petition court.

If the petition be filed by any person other than the superintendent, there shall be paid to the superintendent in advance of the hearing, all expenses in connection with the hearing in such amount as may be fixed by the superintendent for the transportation, board and lodging of the patient, and authorized attendants.

Expenses in connection with hearing.

The court shall appoint two qualified physicians duly licensed to practice medicine in the State of Montana, neither of whom shall be the physician whose certificate accompanied the petition for commitment or who was appointed by the court at the time of the hearing on the petition for commitment, and who are not related to the patient, who shall be present at the hearing for restoration to capacity and shall thoroughly examine the patient. The patient shall be represented by counsel as provided in Section 12, of this act. The physicians' fees shall be paid in the same manner as in cases where patients now confined in the state hospital at Warm Springs, pay on petition for

Two physicians to be appointed by court.

Patient to be represented by counsel.

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restoration to capacity. If the court shall determine upon proof submitted at the hearing, that the patient is not a senile person, the court shall order him restored to capacity and shall direct the superintendent to release the patient from the home. If restoration be denied, the patient shall be remanded to the superintendent.

Estate of deceased patient subject to lien for unpaid value of care.

Section 17. If any patient dies, who has been in the home and has not paid for the reasonable value of his care and treatment there, and leaves an estate in the State of Montana, the said State of Montana shall have a first lien on all such estate for the reasonable value of the care and treatment furnished the patient and it shall be the duty of the attorney general to file a creditor's claim for such an amount on behalf of the State of Montana.

Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 19. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1949.

CHAPTER 207

An Act to Amend Section 2295.8 of the Revised Codes of Montana, 1935, Relating to Income Tax Deductions.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2295.8 R. C. Mont. 1935 amended.

Section 1. That Section 2295.8 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Deductions allowed in computing net income.

"Section 2295.8. **Deductions Allowed in Computing Net Income.** In computing net income, there shall be allowed as deductions:

Business expenses.

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, or in the production of income required to be included in gross income under this act, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or

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business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

Interest paid or accrued.

(2) All interest paid or accrued during the taxable year on indebtedness.

Taxes paid or accrued.

(3) Taxes, other than *death succession, inheritance, estate, legacy, gift and* taxes imposed by this act, paid or accrued within the taxable year and imposed, first, by the authority of the United States, or of any of its possessions, or second, by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory, not including those assessed against local benefits of a kind tending to increase the value of the property assessed, or third, by the authority of any foreign government. The board shall have authority to require the presentation of receipts or other satisfactory evidence that any taxes claimed as a deduction under this subdivision were paid.

Losses incurred in business.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business.

Other losses.

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with trade or business; but in the case of a taxpayer other than a resident of this state, only as to such transactions in real property or in tangible personal property having an actual situs within this state.

Losses from fire, theft or other casualty.

(6) Losses sustained during the taxable year of property not connected with the trade or business (but, in the case of a taxpayer other than a resident, only of real property or tangible personal property having an actual situs within this state) if arising from fires, storms, shipwrecks, or other casualty or from theft, and not compensated for by insurance or otherwise.

Worthless debts.

(7) Debts *which became* worthless and charged off within the taxable year. In the case of a debt existing on January 1, *1933*, no more than its fair market value on that date shall be deducted. A worthless debt arising after January 1, *1933*, from unpaid wages, salary, rent, or any similar item with reference to which any person or fiduciary may be taxable, is not an allowable deduction unless

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the income which such item represents has been included as income by the taxpayer in a return rendered under this act.

Allowance for exhaustion, wear and tear of property.

(8) A reasonable allowance for the exhaustion, wear and tear of property, the income from which is required to be included in gross income under this act, used in the trade or business, including a reasonable allowance for obsolescence.

Depletion of mines and depreciation of improvements.

(9) In the case of mines, other natural deposits, oil and gas wells and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the state board of equalization; provided, however, for the purpose of determining depletion, depreciation and obsolescence in all cases not expressly provided for in this act, the provisions of the most recent act of the congress of the United States, commonly known as the federal income tax act, and the rules, regulations and decisions thereunder, insofar as same are applicable and pertinent and not repugnant to or inconsistent with the express provisions of this act, shall be the rule of decision by the state board of equalization.

Contributions or gifts.

(10) Contributions or gifts made within the taxable year to or for the use of:

(a) The United States, any state, territory or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(b) Any corporation, or trust, or community chest fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or to the special fund for vocational rehabilitation act;

To veterans' organizations.

(c) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

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(d) Fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined shall not in the aggregate exceed fifteen per centum (15%) of the taxpayer's net income as computed without the benefit of this subdivision. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the board. To fraternal society or order.

(11) *Alimony. Alimony paid periodically under a decree of divorce. All such payments to constitute taxable income to payee named in the decree.* For alimony.

(12) In the case of a taxpayer other than a resident of this state the deductions allowed in this section shall be allowed only if, and to the extent that they are connected with income arising from sources within the state, and with reference to which a non-resident taxpayer is taxable under this act; and the proper apportionment and allocation of the deductions with respect to sources of income within and without this state shall be determined under rules and regulations to be prescribed by the state board of equalization." In case of non-resident taxpayer.

Section 2. The provisions of this act are hereby declared to be applicable to all returns due after December 31, 1948. Application of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 8, 1949.

CHAPTER 208

An Act to Provide for a Tax on Trucks, Trailers and Semitrailers, and Automobiles Operating Over and Upon the Highways of the State of Montana and a Tax on New Passenger Motor Vehicles on Which No Property Tax Has Been Paid and for Which the Purchaser Thereof Seeks to Have Licensed in the State of Montana; Pro-

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viding for the Rate of Such Tax; Providing for the Collection Thereof by the County Treasurers of the Respective Counties in the State of Montana; Providing for the Deposit of 95% of the Proceeds of Said Tax in the State Highway General Fund in the State Treasury; Providing for Blanks to Be Provided to the County Treasurers by the Montana Highway Commission; Providing for Reciprocity as Provided in Section 1760.7 of Revised Codes of Montana, 1935, as Amended by Chapter 93 Laws of the Twenty-sixth Legislative Assembly of Montana, 1939 and Chapter 296 of the Thirtieth Legislative Assembly of Montana, 1947; Providing for Exceptions for Motor Vehicles Operating for Hire Exclusively Within Limits of Incorporated Cities or Towns or Within Two Miles of Such Limits; Providing for the Retention of 5% of Said Tax by the Said County Treasurers; Providing for the Enforcement of the Act and Penalties for the Violation Thereof; Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax to be imposed upon trucks — table upon which based.

Section 1. That in consideration of the right to use the highways of the State of Montana and from and after the 1st day of January, 1950, there shall be imposed upon all trucks operating over and upon the highways of the State of Montana a tax based upon the following table:

For trucks of one (1) ton capacity or under, five dollars ($5.00);

For trucks of over one (1) ton and up to and including one and one-half (1½) ton capacity, ten dollars ($10.00);

For trucks over one and one-half (1½) ton and up to and including two (2) ton capacity, twenty-two dollars and fifty cents ($22.50);

For trucks over two (2) ton and less than three (3) ton capacity, thirty-seven dollars and fifty cents ($37.50);

For trucks over three (3) ton capacity up to five (5) ton capacity, sixty dollars ($60.00);

For trucks over five (5) ton capacity, one hundred dollars ($100.00).

That in consideration of the right to use the highways of the State of Montana and from and after the 1st day

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of January, 1950, there shall be imposed upon all trailers and semi-trailers operating over or upon the highways of the State of Montana a tax based on the following table:

For trailers and semi-trailers of one (1) ton capacity and under, two dollars ($2.00);

Tax to be imposed upon trailers and semi-trailers — table upon which based.

For trailers and semi-trailers over one (1) ton up to and including two (2) ton capacity, fifteen dollars ($15.00);

For trailers and semi-trailers over two (2) ton and less than three (3) ton capacity, twenty-five dollars ($25.00);

For trailers and semi-trailers of three (3) ton and less than four (4) ton capacity, thirty dollars ($30.00);

For trailers and semi-trailers of four (4) ton up to five (5) ton capacity, thirty-five dollars ($35.00);

For trailers and semi-trailers over five (5) ton capacity, one hundred dollars ($100.00).

Size of truck, trailer or semi-trailer, how determined.

Section 2. The size of the truck, trailer or semi-trailer mentioned in the foregoing section of this act shall be determined by the model or other designation or classification put on said truck, trailer or semi-trailer by the manufacturer.

Tax to be imposed upon automobiles.

Section 3. That in consideration of the right to use the highways of the State of Montana and from and after the first day of January, 1950, there shall be imposed upon all automobiles required to be registered under Section 1759, Revised Codes of Montana, 1935, as amended, used by any company, corporation, partnership, individual, or business association, operating over or upon the highways of the State of Montana, a tax for highway maintenance purposes of three dollars ($3.00) per vehicle, provided that when such automobile is originally registered under Section 1759, Revised Codes of Montana, 1935, as amended, after June 30 of the year for which application is made, the tax for highway maintenance purposes shall be one dollar and fifty cents ($1.50) per vehicle.

Temporary licenses for trucks, trailers and semi-trailers not registered or licensed in Montana — table upon which based.

Owners or operators of out-of-state trucks, trailers and semi-trailers which are not registered and licensed in the State of Montana under the provisions of Section 1759, Revised Codes of Montana, 1935, as amended, if no annual license is applied for under the provisions of this act, shall

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apply for a temporary license based upon the following table:

A truck, trailer or semi-trailer carrying a pay-load of five (5) tons for ten (10) days, five dollars ($5.00);

A truck, trailer or semi-trailer carrying over five (5) tons and up to and including ten (10) tons for ten (10) days, ten dollars ($10.00);

A truck, trailer, or semi-trailer carrying ten (10) tons or more for ten (10) days, twenty dollars ($20.00). or all trucks, trailers or semi-trailers may secure a license for three (3) months for twenty-five per cent (25%) of the regular tax set forth in Section 1 of this act; or for six (6) months for fifty per cent (50%) of the regular tax set forth in said Section 1.

Use tax upon new passenger motor vehicles which are not otherwise subject to taxation in Montana.

Section 3-A. That in consideration of the right to use the highways of the State of Montana and from and after the passage and approval of this act, there shall be imposed upon all new passenger motor vehicles for which a license is sought and which have not been otherwise assessed and not subject to assessment and taxation in Montana, an use tax as follows: If purchased between January 1, and April 1, in any year, a tax of thirty-two dollars ($32.00); if purchased between April 1, and July 1, in any year, a tax of twenty-four dollars ($24.00); if purchased between July 1 and October 1, in any year, a tax of sixteen dollars ($16.00); and if purchased between October 1 and December 31, in any year, a tax of eight dollars ($8.00). The tax herein provided for shall not be imposed or collected from the purchaser of any new passenger motor vehicle on which a property tax as now provided by law, has been imposed and paid.

License fees to be paid by residents of Montana for trucks, trailers, semi-trailers and new passenger automobiles.

Section 4. Residents of the State of Montana who own trucks, trailers or semi-trailers or new passenger automobiles and operate the same upon the highways of the State of Montana shall at the time they make application for their Montana license as provided for in Section 1759, Revised Codes of Montana, 1935, as amended, also make application to the county treasurer for a license under this act and shall pay the fees herein prescribed.

Fees to be paid upon non-resident trucks, trailers and semi-trailers upon their arrival in state.

Section 5. Non-resident trucks, trailers and semi-trailers shall immediately upon their arrival in the State of Montana go to the nearest county treasurer's office open

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for the transaction of business and secure the license and pay the fees as in this act prescribed.

Forms to be furnished to county treasurers.

Section 6. It shall be the duty of the Montana state highway commission to furnish all county treasurers with the following:

1. Blank application forms, outlining and providing for the information needed in each classification of registration required.

2. Registration or license certificates in such form as is determined most suitable by the Montana highway commission.

3. Such other forms, stickers, certificates or blanks as in the opinion of the Montana highway commission are deemed necessary to best carry out the provisions of this act.

Disposition of licenses collected under this act by county treasurers.

Section 7. Each county treasurer in the State of Montana at the time application is made for a license under this act, shall retain 5% of the license so collected for the cost of administering this act and the remaining 95% shall be remitted monthly to the state treasurer of the State of Montana for deposit in the state highway general fund on forms to be furnished the county treasurers by the state highway commission of the State of Montana.

Date of expiration of licenses.

Section 8. The annual license for every truck, trailer or semi-trailer or automobile registered under this act shall expire on December 31st of each year and shall be renewed annually upon application and payment of the fees as herein provided. The certificate of registration or license issued hereunder shall be valid only for the period for which issued, and is not transferable to another truck, trailer or semi-trailer or automobile but is transferable upon the transfer of title or interest of the legal owner of the truck, trailer or semi-trailer or automobile.

Licenses not transferable to another vehicle.

Penalty.

Section 9. Any owner or operator of a truck, trailer or semi-trailer or automobile who uses or operates the same upon the highways of the State of Montana without having paid the fee prescribed by this act shall upon conviction thereof be deemed guilty of a misdemeanor and punished by a fine of not more than $300.00 or by a sentence of not more than 60 days in the county jail or both.

Section 10. It shall be the duty of the Montana state

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Enforcement of act by state highway patrol.

highway patrol to enforce the provisions of this act and each member thereof is hereby instructed to make examinations and inspections of trucks, trailers and semi-trailers or automobiles operating upon the highways in this state, to ascertain whether or not the provisions of this law have been complied with.

Reciprocity to be granted.

Section 11. Reciprocity shall be granted, notwithstanding anything to the contrary herein, in accordance with Section 1760.7 as amended by Chapter 93 of the laws of the twenty-sixth legislative assembly of Montana of 1939, and as amended by Chapter 296 of the laws of the thirtieth legislative assembly of Montana of 1947.

Certain vehicles exempted from act.

Section 12. Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within two miles from such limits shall be exempt from the provisions of this act.

Effective date and duration of act.

Section 13. This act shall be in full force and effect from and after the first day of January, 1950, and continue in full force and effect until December 31, 1951.

Approved March 9, 1949.

CHAPTER 209

An Act to Amend Section 2815.61, Revised Codes of Montana, 1935, Relating to "Definitions" of Terms Used in the "State Liquor Control Act of Montana", and Providing That the Term "Beer" Shall be Defined as Set Forth in the Montana Beer Act by Subsection (b), of Section 2815.11, as Amended by Chapter 30, Laws of the Twenty-fifth Legislative Assembly of Montana, 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.61 R. C. Mont. 1935 amended.

Section 1. That Section 2815.61, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Definitions.

"2815.61. **Definitions.** The following words and phrases used in this act shall take the following interpretations:

"Board."

(a) 'Board' means the board created by this act under the name of 'Montana liquor control board';

"Club."

(b) 'Club' shall mean any association of individuals

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for purposes of mutual entertainment and convenience and shall include the premises occupied or used for any such purpose;

(c) 'Club license' means a club license granted to a club to sell beer under Section 2815.87, and 'club licensee' means a club which has been granted a license under said section; "Club license."

(d) 'Dentist' means a person duly licensed to practice dentistry under the laws of the State of Montana; "Dentist."

(e) 'Druggist' means a duly licensed pharmacist under the laws of the State of Montana; "Druggist."

(f) 'State liquor store' means a state liquor store established under this act; "State liquor store."

(g) 'Hotel' shall mean any place where the public may for a consideration, obtain sleeping accommodations, with or without meals; "Hotel."

(h) 'Interdicted person' means a person to whom the sale of liquor is prohibited by an order under this act; "Interdicted person."

(i) 'Liquor' or 'liquors' means and includes any alcoholic, spirituous, vinous, fermented, malt or other liquor, which contains more than one per centum (1%) of alcohol by weight, *but shall not mean or include beer as that term is defined in the Montana beer act by subsection (b) of Section 2815.11, Revised Codes of Montana, 1935, as amended by Chapter 30, laws of the twenty-fifth legislative assembly of Montana, 1937, and as permitted to be manufactured and or sold or transported in and into this state or possessed therein in the manner and under the conditions prescribed in the 'Montana beer act'.* "Liquor" or "liquors."

(j) 'Municipality' means any city, town, village, hamlet, municipal district (exclusive of any hamlet situate therein), and includes the council of the municipality; and 'municipal' shall have a like meaning; "Municipality."

(k) 'Member of a club' means a person who, whether as a charter member or admitted in accordance with the by-laws or rules of a club, has become a member thereof, who maintains his membership by the payment of his regular periodic dues in the manner provided by such rules or by-laws and whose name and address are entered on the list of members supplied to the board at the time of the ap- "Member of a club."

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plication for a club license under this act, or if admitted thereafter, within ten days after his admission;

"Package." (l) 'Package' means any container or containers, or receptacle or receptacles used for holding liquor;

"Permit." (m) 'Permit' means a permit for the purchase of liquor issued under this act;

"Physician." (n) 'Physician' means a person duly licensed to practice medicine in the State of Montana;

"Prescription." (o) 'Prescription' means a memorandum in the form prescribed by the regulations made under the authority of this act, signed by a physician, and given by him to a patient for the obtaining of liquor pursuant to this act for use for medicinal purposes;

"Public place." (p) 'Public place' includes any place, building, or conveyance to which the public has or is permitted to have access and any place of public resort;

"Residence." (q) 'Residence' means a building, or part of building, or tent, where a person resides but shall not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club or any part thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall or walls having no doors or other means of access opening into such part used for business purposes;

"Regulations." (r) 'Regulations' means regulations made by the Montana liquor control board;

"Sale." "Sell." (s) 'Sale' and 'sell' include exchange, barter, and traffic; *these terms* also include the selling or supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer or near-beer, or by any name whatever commonly used to describe malt or brewed liquor, by any partnership or by any society, association, or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof;

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(t) 'Spirits' means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution and includes, among other things, brandy, rum, whisky, and gin; "Spirits."

(u) 'Vendor' means a person appointed as a vendor under this act; "Vendor."

(v) 'Wine' means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits (grapes, apples, etc.); or other agricultural products containing sugar (honey, milk, etc.); "Wine."

(w) 'Malt liquor' means any beverage, other than beer, obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinkable water." "Malt liquor."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 12, 1949.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Thirty-first Legislative Assembly

STATE OF MONTANA

1949

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 2

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-first Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-first Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the thirty-first legislative assembly of the State of Montana.
One hundred thousand dollars $100,000.00

For the payment of per diem to the officers and attaches of the thirty-first legislative assembly of the State of Montana.
Eighty-five thousand dollars .....$ 85,000.00

For the payment of incidental expenses of the thirty-first legislative assembly of the State of Montana.
Thirty-five thousand dollars .....$ 35,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 6, 1949.

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HOUSE BILL NO. 38

An Act to Appropriate $50,000.00 for the Equipping of the Veterinary Research Laboratory at the Montana Agricultural Experiment Station and for Necessary Improvements.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifty thousand ($50,000.00) dollars be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, such appropriation to be used and expended for general improvements and equipment of the veterinary research laboratory of the Montana agricultural experiment station.

Section 2. That the amount of money hereby appropriated shall be subject to the order of the Montana agricultural experiment station and shall be used and expended for general improvements and equipping the veterinary research laboratory, which research laboratory works in cooperation with the Montana agricultural experiment station, the Montana livestock sanitary board, the Montana stockgrowers association, and the Montana woolgrowers association.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect on and after July 1, 1949.

Approved March 2, 1949.

HOUSE BILL NO. 39

An Act to Appropriate Money for the Payment of Assessments, On Certain State Lands in the Bynum Irrigation District, Teton County, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand eighty-one and 40/100 dollars ($5,081.40), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of assessments levied by the commissioners of the Bynum irrigation district, Teton county, Montana, against state lands situate in and a part of said Bynum irrigation district, Teton county, Montana. The lands against

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which said assessments have been made and are unpaid are as follows, to-wit:

The northwest quarter of the northwest quarter, the south half of the north half, and the northeast quarter of the southeast quarter of section nine, in township twenty-six north of range four west, M. M.;

All of section sixteen, in township twenty-six north of range four west, M. M.; and

The southwest quarter of the northeast quarter, the south half of the northwest quarter, and the northwest quarter of the southwest quarter of section fifteen, in township twenty-six north of range six west, M. M. The west half of the southwest quarter section thirty-six (36) township twenty-six (26) north range six (6) west, M. M.

Section 2. This act shall be in force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 47

An Act to Appropriate Money From the Hail Insurance Administrative Fund of the State of Montana for the Purpose of Maintenance and Operation of the State Board of Hail Insurance for the Year Ending June 30, 1949, the Appropriation Made by the Thirtieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury in the hail insurance administative fund of the State of Montana, not otherwise appropriated, for the objects and purposes hereinafter enumerated, for the year ending June 30, 1949, it having been determined that the appropriation made by the thirtieth legislative assembly was insufficient.

For the state board of hail insurance.

For salaries and expenses, eleven thousand dollars ($11,000.00).

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 3, 1949.

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HOUSE BILL NO. 89

An Act to Appropriate Money From the State Aviation Fund and of Federal Funds Received for the Use of the State Aeronautics Commission, for the Operation and Maintenance of the State Aeronautics Commission for the Period Beginning July 1, 1949, and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated from the state aviation fund, for the operation and maintenance of the state aeronautics commission, and payment of its expenses, including salaries, as much as may be necessary to pay all lawful claims as provided by law, for the period beginning July 1, 1949, and ending June 30, 1951.

In addition thereto, there is hereby appropriated for the same period all federal funds which may be received for the use of the state aeronautics commission.

Approved March 2, 1949.

HOUSE BILL NO. 130

An Act to Appropriate Money for Certain Deficiency Claims Arising for Obligations Incurred by the State Purchasing Department.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state purchasing department:

FROM THE GENERAL FUND

For obligations incurred by the state purchasing department, two hundred thirty-nine dollars and eighty-nine cents ($239.89), more particularly itemized as follows:

Public employees retirement system $239.89

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1949.

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HOUSE BILL NO. 131

An Act to Appropriate Money for Certain Deficiency Claims Arising for Obligations Incurred by the County Attorneys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the county attorneys:

FROM THE GENERAL FUND

For obligations incurred by the county attorneys, seven hundred ninety-nine dollars and five cents ($799.05), more particularly itemized as follows:

Public employees retirement system $799.05

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

HOUSE BILL NO. 132

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the University of Montana, Missoula, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the university of Montana, Missoula, Montana:

FROM THE MILLAGE FUND

For obligations incurred by the university of Montana, eight hun-

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dred five dollars and sixty-two cents ($805.62), more particularly itemized as follows:

Teachers retirement system $805.62

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1949.

HOUSE BILL NO. 133

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Montana Highway Patrol.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the Montana highway patrol:

FROM THE GENERAL FUND

For obligations incurred by the Montana highway patrol, four hundred nine dollars and sixty-six cents ($409.66), more particularly itemized as follows:

Missoula county ..... $ 14.42
Missoula county $186.00
William C. Benson $160.00
Wyman Motor Company ..... $ 49.24

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

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HOUSE BILL NO. 134

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Capitol Custodian.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the capitol custodian:

FROM THE GENERAL FUND

For obligations incurred by the capitol custodian, five hundred and twenty dollars and no cents ($520.00), more particularly itemized as follows:

Ed. C. Follensby $520.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1949.

HOUSE BILL NO. 135

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by Transportation of Prisoners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by transportation of prisoners:

FROM THE GENERAL FUND

For obligations incurred by the transportation of prisoners, ninety

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dollars and seventy-four cents ($90.74), more particularly itemized as follows:

Fergus county — transportation of prisoners $39.84

Flathead county, Sheriff Richard P. Walsh — transportation of prisoners $50.90

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

HOUSE BILL NO. 136

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Veterans Welfare Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the veterans welfare commission:

FROM THE GENERAL FUND

For obligations incurred by the veterans welfare commission, sixty dollars ($60.00), more particularly itemized as follows:

Montana Building Company $60.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

HOUSE BILL NO. 137

An Act to Appropriate Money for Certain Deficiency Claims Arising

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for Obligations Incurred by the 1947 Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the 1947 legislative assembly:

FROM THE GENERAL FUND

For obligations incurred by the 1947 legislative assembly, seven thousand nine hundred seventy-five dollars and thirty-five cents ($7,975.35), more particularly itemized as follows:

State Publishing Company, House Journals $4,148.27

State Publishing Company, Senate Journals $3,827.08

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

HOUSE BILL NO. 147

An Act to Appropriate Money for the Biennium Ending June 30, 1951, to Supplement an Appropriation Authorized by the Congress of the United States to Complete the Construction of and Equipping of a Tuberculosis Sanatorium at Galen, Deer Lodge County, Montana, for Tuberculous Indians: Authorizing the State Board of Examiners to Carry Out the Purposes of This Act and to Represent the State of Montana in Carrying Out the Provisions of Public Law 332 of the 80th Congress.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it is in the interest of the health of the people of Montana to cooperate with the congress of the United States of America to construct, extend and improve a tuberculosis sanitorium at Galen, Deer Lodge County, Montana, of not less than one hundred

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(100) additional beds for tuberculous Indians. Inasmuch as the said congress has already authorized an expenditure of one million five hundred thousand dollars ($1,500,000.00) has already appropriated the sum of seven hundred fifty thousand dollars ($750,000.00) and will appropriate the additional seven hundred fifty thousand dollars ($750,000.00) contingent upon the cooperation of the State of Montana in said enterprise; subject, however, to the condition that the State of Montana shall provide any additional funds over and above said sum of one million five hundred thousand dollars ($1,500,000.00) required to complete the construction and equipping of said sanitorium.

Section 2. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of completing the construction of a tuberculosis sanatorium and for equipping said sanatorium at Galen, Deer Lodge county, Montana, providing and on condition that these funds shall supplement the said sum of one million five hundred thousand dollars ($1,500,000.00) appropriated and to be appropriated by the congress of the United States, and shall be used only after said sum of one million five hundred thousand dollars ($1,500,000.00) has been appropriated:

(a) For the period beginning July 1, 1949 and ending June 30, 1951, six hundred thousand dollars ($600,000.00).

Section 3. That the state board of examiners be and it is hereby authorized to carry out the purposes of this act in the expenditure of said funds and said state board of examiners be and it is hereby authorized to represent the State of Montana in carrying out the provisions of public law 332 of the 80th congress in the construction of said sanatorium.

Approved March 7, 1949.

HOUSE BILL NO. 231

An Act to Appropriate Money for the Purpose of Paying Expenses to be Incurred by the Bureau of Vocational Rehabilitation for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may

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be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for the bureau of vocational rehabilitation:

FROM THE GENERAL FUND

For expenses, five thousand dollars $5,000.00
provided, however, that no part of this appropriation shall be used for the payment of salaries.

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

HOUSE BILL NO. 232

An Act to Appropriate Money for Salaries and Expenses for State Parks for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for state parks:

FROM THE GENERAL FUND

For salaries and expenses, four thousand three hundred seventy-six and 63/100 dollars $4,376.63

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

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HOUSE BILL NO. 233

An Act to Appropriate Money to Pay the Salaries of District Judges for the Remainder of the Current Fiscal Year Ending June 30, 1949, It having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for district judges:

FROM THE GENERAL FUND

For salaries, fourteen thousand eight hundred thirty-five dollars and fifty-two cents ($14,835.52).

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1949.

HOUSE BILL NO. 234

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for the Montana Highway Patrol for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for the Montana highway patrol:

FROM THE GENERAL FUND

For expenses, fourteen thousand two hundred sixty-two dollars ..... ($14,262.00),

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provided, however, that no part of this money shall be used for payment of salaries.

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 235

An Act to Appropriate Money for Capitol Building Repairs and Replacements for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for the capitol custodian:

FROM THE GENERAL FUND

Repairs and replacements for capitol building, three thousand dollars ($3,000.00).

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1949.

HOUSE BILL NO. 259

An Act to Appropriate Money for the Purpose of Paying Certain Obligations Incurred by the Supreme Court, the State Forester and the Library Extension Commission Under the Provisions of the Public Employees Retirement System for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Having Been

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Determined That the Appropriations Made by the Thirtieth Legislative Assembly Were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1949:

SUPREME COURT

FROM THE GENERAL FUND

For public employees retirement system, four hundred eighteen dollars and sixty-four cents ..... $ 418.64

STATE FORESTER

FROM THE GENERAL FUND

For public employees retirement system, twenty-two hundred dollars $2200.00

LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

For public employees retirement system, fifty-five dollars and ninety cents ..... $ 55.90

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1949.

HOUSE BILL NO. 260

An Act to Appropriate Money for the Governor's Office for Requisitions for the Remainder of the Current Fiscal Year Ending June 30, 1949, It Being Determined That the Appropriations Made by the Thirtieth Legislative Assembly Were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may

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be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current fiscal year ending June 30, 1949, for the governor's office:

FROM THE GENERAL FUND

For requisitions, twenty-five hundred dollars $2,500.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 261

An Act to Appropriate Money for the Payment of Fire Insurance Premiums for the Current Biennium Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1949, for fire insurance:

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, ten thousand dollars $10,000.00

FROM THE MILLAGE FUND

As much as may be necessary for premiums on insurance on buildings or institutions for the greater university of Montana, forty-five thousand dollars $45,000.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 299

An Act Appropriating All Balances of Money Remaining in the Several Appropriations Made Under the Provisions of House Bill No. 3, Laws of Montana of 1947, From the Post War Planning and Construction Reserve Fund for the Following State Institutions: Eastern Montana Normal School, Billings; Montana School of Mines, Butte; Montana State College, Bozeman; Montana State Normal College, Dillon; Montana State University, Missoula; Northern Montana College, Havre; School for the Deaf and Blind, Great Falls; Industrial School for Boys, Miles City; Montana State Orphans' Home, Twin Bridges; Montana State Prison, Deer Lodge; Montana Soldiers' Home, Columbia Falls; Montana State Training School, Boulder; Vocational School for Girls, Helena; Montana State Tuberculosis Sanitarium, Galen; Water Conservation Board; State Capitol; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by House Bill No. 3 of the laws of Montana of 1947, money was appropriated by the legislative assembly from the post war planning and construction reserve fund to defray or finance the cost of needed post war construction, improvement and development in and about the several state institutions herein mentioned for the period beginning July 1st, 1947, and ending June 30th, 1949, and

WHEREAS, because of the variety of said work and the time necessary for its performance all of said appropriations could not be expended within said two year period, and it is, therefore, necessary that the balances remaining in said several appropriations be reappropriated and made available for the coming biennium in order to complete the work and buildings now under contract, or hereafter to be contracted for, NOW, THEREFORE:

Section 1. There are hereby appropriated the balances remaining on June 30, 1949, in the several appropriations made under the provisions of house bill No. 3, laws of Montana of 1947, from the post war planning and construction reserve fund to the following state

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institutions, to-wit: Eastern Montana normal school, Billings; Montana school of mines, Butte; Montana state college, Bozeman; Montana state normal college, Dillon; Montana state university, Missoula; northern Montana college, Havre; school for the deaf and blind, Great Falls; industrial school for boys, Miles City; Montana state orphans' home, Twin Bridges; Montana state prison, Deer Lodge; Montana soldiers' home, Columbia Falls; Montana state training school, Boulder; vocational school for girls, Helena; Montana state tuberculosis sanitarium, Galen; water conservation board; and state capitol.

Section 2. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said house bill No. 3, laws of Montana of 1947.

Section 3. It is not the intent of this act to increase or reduce any of the original appropriations made by said house bill No. 3, but to enable the above institutions to use the remaining balances in the original appropriations provided in said act.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval.

Approved February 21, 1949.

HOUSE BILL NO. 300

An Act to Appropriate to the State Board of Examiners the Balances of Money Remaining in the Post War Planning and Construction Reserve Fund on March 1, 1949, Out of the Appropriations Heretofore Made to Said Fund, of Which Not to Exceed Two Hundred Fifty Thousand Dollars ($250,000.00) Was Made Available for Architectural and Engineering Costs Under the Provisions of Section 8, of Chapter 148, of the Session Laws of Montana of 1945; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by the provisions of Section 8 of Chapter 148 of the Session Laws of Montana of 1945, there was appropriated to the

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post war planning and construction reserve fund the sum of four million five hundred thousand dollars ($4,500,000.00), of which not to exceed two hundred fifty thousand dollars ($250,000.00) was made available for architectural and engineering costs, the exact amount of which cannot now be determined because of the fact that said architectural and engineering work is not yet completed, the cost thereof cannot now be ascertained, and payment thereof cannot now be made, and

WHEREAS, it has become and is now necessary that any and all balances of money remaining in said post war planning and construction reserve fund on March 1st, 1949, be appropriated to the state board of examiners for use during the period from March 1st, 1949, to February 28th, 1951, in carrying out the objects and purposes, including architectural and engineering costs, for which said fund was created, NOW, THEREFORE:

Section 1. There is hereby appropriated out of the post war planning and construction reserve fund created by Chapter 148, laws of Montana of 1945, all money not otherwise appropriated, including all earnings and income heretofore or hereafter accruing to said fund, to the state board of examiners for the period beginning March 1st, 1949, and ending February 28th, 1951, to be used by said board in carrying out the objects and purposes, including administrative expense of the post war planning and construction commission, as enumerated in said Chapter 148, laws of Montana of 1945, and house bill No. 3, laws of Montana of 1947, and as thereafter reappropriated by house bill No. 253 of the laws of Montana of 1947.

Section 2. It is the intent and purpose of the legislative assembly to appropriate out of said post war planning and construction reserve fund all of the balance in said fund remaining therein on March 1, 1949, together with all interest and income heretofore or hereafter accruing to said fund, to the state board of examiners for the objects and purposes enumerated in Chapter 148, laws of Montana of 1945, and house bill No. 3, laws of Montana of 1947, and as thereafter reappropriated by house bill No. 253 of the laws of Montana of 1947.

Section 3. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 5. This act shall take effect immediately upon its passage and approval.

Approved February 21, 1949.

HOUSE BILL NO. 301

An Act to Reappropriate Money Appropriated From the General Fund by House Bill 440, Laws of 1947, to Supplement Appropriations Heretofore Made to Construct Buildings at the Northern Montana College and the Eastern Montana State Normal College Inasmuch As These Funds Could Not Be Used Prior to June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums be reappropriated and the same are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the objects and purpose hereinafter expressed and set forth in house bill 440, laws of 1947, for the period beginning July 1, 1949, and ending June 30, 1951.

FROM THE GENERAL FUND

NORTHERN MONTANA COLLEGE, HAVRE,

To reappropriate funds heretofore appropriated to construct main building, two hundred thousand dollars....$200,000.00

EASTERN MONTANA STATE NORMAL SCHOOL, BILLINGS,

To reappropriate funds heretofore appropriated to construct science building, one hundred fifty thousand dollars $150,000.00

Section 2. The appropriations hereinabove provided for shall and must be used for the purpose designated.

Section 3. The appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 21, 1949.

HOUSE BILL NO. 353

An Act to Reappropriate Money From the General Fund by House Bill Number 432, Laws of 1947, for the Purchase of the Lee House

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Surrounded by the Campus of the Montana School of Mines Located at Butte, Montana, Inasmuch as These Funds Cannot be Used Prior to June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum be reappropriated and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purchase of the Lee house surrounded by the campus of the school of mines located at Butte, Montana, as expressed and set forth in house bill number 432, laws of 1947, for the period beginning July 1, 1949, and ending June 30, 1951:

FROM THE GENERAL FUND

There is hereby appropriated from the general fund for the purchase of the Lee house surrounded by the campus of the school of mines, six thousand five hundred dollars ($6,500.00).

Section 2. The appropriation hereinabove provided for shall and must be used only for the purpose designated.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 25, 1949.

SUBSTITUTE HOUSE BILL NO. 357

An Act to Appropriate Money for the Operation and Maintenance of the State Purchasing Department, for the Present Fiscal Year Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1949, for the state purchasing department.

FROM THE GENERAL FUND

For public employees retirement system, four hundred fifty-two dollars ..... $ 452.00

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For supplies and expenses, one thousand one hundred fifteen dollars $1,115.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

HOUSE BILL NO. 374

An Act to Appropriate Money From the General Fund for the Purpose of Paying for Digging and Back Filling a Series of Ditches for Water and Sewer Utilities Required by the Montana School of Mines in Order to Render Veterans' Housing Units Thereat Tenantable in Winter Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following claims arising for obligations incurred by the Montana school of mines, at Butte:

FROM THE GENERAL FUND

For obligations incurred by the Montana school of mines, two thousand dollars ($2,000.00), more particularly itemized as follows: For the digging and back filling of approximately seven hundred feet (700') of a series of ditches, eight feet (8') deep and deeper for laying sewer and water pipes therein to render tenantable housing units for veterans in attendance at said school in February and March, 1947, at the veterans' housing project at the Montana school of mines:

To Carson Construction Company, two thousand dollars ($2,000.00).

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

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HOUSE BILL NO. 376

An Act to Appropriate Money to Supplement the Appropriation for Montana State University Located at Missoula, Montana, for the State's Contribution to the Teachers' Retirement Fund Made in House Bill No. 432, Thirtieth Legislative Session, for the Period Beginning July 1, 1948, and Ending June 30, 1949, It Having Been Determined That Such Appropriation is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated to supplement the appropriation for Montana state university located at Missoula, Montana, for the state's contribution to the teachers' retirement fund made in house bill No. 432, thirtieth legislative session, for the period beginning July 1, 1948, and ending June 30, 1949, it having been determined that such appropriation is insufficient:

FROM THE GENERAL FUND

For obligations incurred by Montana state university located at Missoula, Montana, four thousand nine hundred dollars ($4,900.00), more particularly itemized as follows:

Teachers' retirement system $4,900.00

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 380

An Act to Appropriate Money for the Purpose of Paying Salaries, Expenses and Operation of the Montana State College Located At Bozeman, Montana, for the Period Ending June 30, 1949, It Having Been Determined That the Appropriation Made by the Thirtieth Legislative Assembly is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money

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in the state treasury, not otherwise appropriated, for the purpose of paying salaries, expenses and operation of Montana state college for the period ending June 30, 1949, it having been determined that the appropriation provided by the thirtieth legislative assembly is insufficient:

FROM THE GENERAL FUND

For salaries, expenses and operation of Montana state college, located at Bozeman, Montana, ninety-nine thousand two hundred thirty-one dollars and eighty-seven cents ($99,231.87).

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

HOUSE BILL NO. 381

An Act to Appropriate Money to Supplement the Appropriation for Montana State College at Bozeman, Montana, for the State's Contribution to the Teachers' Retirement Fund Made in House Bill No. 432, Thirtieth Legislative Session, for the Period Beginning July 1, 1948, and Ending June 30, 1949, It Having Been Determined That Such Appropriation is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated to supplement the appropriation for Montana state college located at Bozeman, Montana, for the state's contribution to the teachers' retirement fund made in house bill No. 432, thirtieth legislative assembly, for the period beginning July 1, 1948, and ending June 30, 1949, it having been determined that such appropriation is insufficient:

FROM THE GENERAL FUND

For obligations incurred by the Montana state college located at Bozeman, Montana, three thousand four hundred dollars ($3,400.00), more particularly itemized as follows:

Teachers' retirement system $3,400.00

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1949.

HOUSE BILL NO. 384

An Act Appropriating Moneys to the Montana State Highway Commission for Use in Publicizing the Resources and Amenities of the State for the Biennium Ending June 30th, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it is in the interest of the whole State of Montana that the state's unexcelled scenic and recreational attractions and their accessibility, our wildlife resources, and our investment opportunities in agricultural and industrial enterprises be given nationwide publicity.

Section 2. That the following sums or so much thereof as may be found necessary, be and the same are hereby, appropriated out of any moneys in the state treasury not otherwise appropriated for the purposes in this act expressed:

(a) For the period beginning July 1, 1949, and ending June 30, 1950 ..... $50,000.00

(b) For the period beginning July 1, 1950, and ending June 30, 1951 ..... $50,000.00

Section 3. That the Montana state highway commission, by the majority act of all its members, shall have power to enter into contracts for such publicity and cooperation referred to in this act, beginning at such time as in the judgment of said board may be in the best interest of the state and nation, and to pay for such publicity by warrants drawn by the state auditor, upon claims presented to and approved by a majority of said board, upon said funds hereby appropriated.

Section 4. At the beginning of the next regular session of the legislative assembly, the Montana state highway commission shall make to each house of that body a report setting forth in full an account of their administration of said funds.

Approved March 3, 1949.

HOUSE BILL NO. 388

An Act to Appropriate Money for the Purpose of Refinishing the

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Capitol Building After Certain Departments of the Government Have Moved Into the New Office Building; for the Purpose of Laying New Steam Lines; Providing Ventilation and Doing Excavation Work Under the Board of Health Building.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed; for the capitol custodian:

FROM THE GENERAL FUND

For refinishing and repairing capitol building after certain departments have moved from the capitol building into the new office building, twenty-five thousand six hundred fifty dollars $25,650.00

For new steam lines and insulation, providing ventilation and making excavations under board of health building, eight thousand five hundred dollars .....$ 8,500.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

HOUSE BILL NO. 397

An Act to Appropriate Money for a Supplementary Budget to the Crippled Children's Division of the State Board of Health Which Will Permit Them to Continue to Provide Medical and Hospital Services to Crippled Children for the Remainder of the Fiscal Year 1948-1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or as much thereof as may be needed, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of permitting the division of crippled children of the Montana state board of health to provide medical and hospital services to such crippled children that may be in need of such services for the remainder of the fiscal year 1948-1949:

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FROM THE GENERAL FUND

For obligations for medical and hospital care that may be incurred for the remainder of the fiscal year 1948-1949 the sum of ten thousand dollars ($10,000.00).

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

HOUSE BILL NO. 438

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1949 and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacement" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

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(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1949, and ending June 30, 1950.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, seventeen thousand seven hundred fifty dollars ..... $ 17,750.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, three thousand eleven dollars ..... $ 3,011.00

For public employees retirement system, five hundred fifty dollars ..... $ 550.00

For requisitions, three thousand dollars ..... $ 3,000.00

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GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses, six thousand seven hundred eighty dollars ..... $ 6,780.00

For repairs and replacements, eleven thousand two hundred fifty-five dollars ..... $ 11,255.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries, twenty-two thousand one hundred dollars ..... $ 22,100.00

For capital, repairs and replacements, three hundred fifty dollars ..... $ 350.00

For operation, three thousand dollars ..... $ 3,000.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, three thousand three hundred fifty-five dollars ..... $ 3,355.00

For public employees retirement system, eight hundred seventy-two dollars ..... $ 872.00

For filing cabinets, one thousand five hundred ten dollars ..... $ 1,510.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries, thirty-five thousand dollars ..... $ 35,000.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, four thousand five hundred dollars ..... $ 4,500.00

For salaries and expenses, escheated estates, three thousand three hundred dollars ..... $ 3,300.00

For public employees retirement system, one thousand three hundred seventy-eight dollars and eighty cents ..... $ 1,378.80

For purchase of electrical typewriter and sound recording machine, one thousand two hundred eighty-five dollars ..... $ 1,285.00

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STATE TREASURER

FROM THE GENERAL FUND

For salaries, nineteen thousand two hundred dollars ....$ 19,200.00

For capital, repairs and replacements, three hundred seventy dollars .....$ 370.00

For operation, four thousand one hundred fifty dollars $ 4,150.00

For public employees retirement system, six hundred ninety-one dollars .....$ 691.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries, twenty thousand three hundred dollars ....$ 20,300.00

For capital, repairs and replacements, four thousand dollars .....$ 4,000.00

For operation, two thousand eight hundred ten dollars $ 2,810.00

For public employees retirement system, two thousand two hundred fifty-five dollars and fifty-two cents .....$ 2,255.52

FROM THE HIGHWAY FUND

For salaries, six thousand dollars .....$ 6,000.00

For operation, two thousand dollars .....$ 2,000.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, seventeen thousand two hundred dollars $ 17,200.00

For capital, repairs and replacements, one hundred fifty dollars .....$ 150.00

For operation, nine thousand eight hundred thirty-five dollars .....$ 9,835.00

INSURANCE RATING

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars .....$ 5,000.00

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INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, six thousand four hundred dollars .....$ 6,400.00

For operation, eight hundred twenty-five dollars .....$ 825.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand seven hundred seventy-five dollars .....$ 12,775.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, seventeen thousand four hundred dollars $ 17,400.00

For capital, repairs and replacements, six hundred dollars .....$ 600.00

For operation, nine thousand three hundred sixteen dollars .....$ 9,316.00

For public employees retirement system, three hundred fifty dollars .....$ 350.00

For teacher's retirement, seven hundred dollars .....$ 700.00

SCHOOL SUPERVISORS

FROM THE GENERAL FUND

For salaries, eleven thousand five hundred twenty dollars .....$ 11,520.00

For travel, three thousand dollars .....$ 3,000.00

For teacher's retirement, four hundred five dollars .....$ 405.00

SUPERVISED INSTRUCTION IN HEALTH, PHYSICAL EDUCATION AND RECREATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, seven thousand nine hundred dollars .....$ 7,900.00

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For teacher's retirement, one hundred forty-four dollars ..... $ 144.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirty-four thousand five hundred dollars ..... $ 34,500.00

For teacher's retirement, nine hundred dollars ..... $ 900.00

SCHOOL LUNCH PROGRAM

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

For a revolving fund for the biennium to cover handling charges of commodities to districts, to be reimbursed by such districts, two thousand dollars ..... $ 2,000.00

CERTIFICATION DEPARTMENT

FROM THE TEACHER'S CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COMMUNITY HEALTH DIVISION

FROM THE COMMUNITY HEALTH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXT BOOK LICENSE DIVISION

FROM THE TEXT BOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

For salaries, sixty thousand one hundred twenty dollars ..... $ 60,120.00

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For capital, repairs and replacements, twelve hundred dollars ..... $ 1,200.00

For operation, three thousand seven hundred dollars $ 3,700.00

For publishing Montana supreme court reports, four thousand two hundred dollars ..... $ 4,200.00

For public employees retirement system, one thousand seven hundred twenty-five dollars ..... $ 1,725.00

ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

For salaries, sixty-seven thousand eight hundred fifty dollars ..... $ 67,850.00

For capital, repairs and replacements, seven hundred fifty dollars ..... $ 750.00

For operation, twenty-seven thousand fifty-six dollars $ 27,056.00

For public employees retirement system, two thousand four hundred forty-two dollars and sixty cents ..... $ 2,442.60

For pleading interstate commerce commission and court expense, one thousand five hundred dollars ..... $ 1,500.00

Section 3. That the following sums, or so much thereof as may be found necessary, be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1950 and ending June 30, 1951.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, seventeen thousand seven hundred fifty dollars ..... $ 17,750.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

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For operation, two thousand six hundred eighty dollars ..... $ 2,680.00

For public employees retirement system, five hundred fifty dollars ..... $ 550.00

For requisitions, three thousand dollars ..... $ 3,000.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses, six thousand seven hundred eighty dollars ..... $ 6,780.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries, twenty-two thousand one hundred dollars ..... $ 22,100.00

For capital, repairs and replacements, three hundred fifty dollars ..... $ 350.00

For operation, three thousand dollars ..... $ 3,000.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, nineteen thousand three hundred ninety-five dollars ..... $ 19,395.00

For public employees retirement system, eight hundred seventy-two dollars ..... $ 872.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries, thirty-five thousand dollars ..... $ 35,000.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, four thousand five hundred dollars ..... $ 4,500.00

For salaries and expenses, escheated estates, three thousand three hundred dollars ..... $ 3,300.00

For public employees retirement system, one thousand three hundred seventy-eight dollars and eighty cents ..... $ 1,378.80

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STATE TREASURER

FROM THE GENERAL FUND

For salaries, nineteen thousand two hundred dollars $ 19,200.00

For capital, repairs and replacements, one hundred ninety-five dollars ..... $ 195.00

For operation, one thousand twenty-seven dollars ..... $ 1,027.00

For public employees retirement system, six hundred ninety-one dollars ..... $ 691.00

STATE AUDITOR (AUDITOR'S DIVISION)

FROM THE GENERAL FUND

For salaries, twenty thousand three hundred dollars .... $ 20,300.00

For capital, repairs and replacements, seven hundred dollars ..... $ 700.00

For operation, five thousand two hundred ten dollars $ 5,210.00

For public employees retirement system, two thousand two hundred fifty-five dollars and fifty-two cents ..... $ 2,255.52

FROM THE HIGHWAY FUND

For salaries, six thousand dollars ..... $ 6,000.00

For operation, two thousand dollars ..... $ 2,000.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, seventeen thousand two hundred dollars $ 17,200.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, five thousand eight hundred thirty-five dollars ..... $ 5,835.00

INSURANCE RATING

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, six thousand four hundred dollars ..... $ 6,400.00

For operation, eight hundred twenty-five dollars ..... $ 825.00

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FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, ten thousand eight hundred seventy-five dollars ..... $ 10,875.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, seventeen thousand four hundred dollars $ 17,400.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, nine thousand two hundred sixty-six dollars ..... $ 9,266.00

For public employees retirement system, three hundred fifty dollars ..... $ 350.00

For teacher's retirement, seven hundred dollars ..... $ 700.00

SCHOOL SUPERVISORS

FROM THE GENERAL FUND

For salaries, eleven thousand five hundred twenty dollars ..... $ 11,520.00

For travel, three thousand dollars ..... $ 3,000.00

For teacher's retirement, four hundred five dollars .... $ 405.00

SUPERVISED INSTRUCTION IN HEALTH, PHYSICAL EDUCATION AND RECREATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, six thousand nine hundred dollars ..... $ 6,900.00

For teacher's retirement, one hundred forty-four dollars ..... $ 144.00

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SUPERVISED CORRESPONDENCE SCHOOL

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirty-four thousand five hundred dollars ..... $ 34,500.00

For teacher's retirement, nine hundred dollars ..... $ 900.00

SCHOOL LUNCH PROGRAM

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

CERTIFICATION DEPARTMENT

FROM THE TEACHER'S CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COMMUNITY HEALTH DIVISION

FROM THE COMMUNITY HEALTH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXT BOOK LICENSE DIVISION

FROM THE TEXT BOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

For salaries, sixty thousand one hundred twenty dollars ..... $ 60,120.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, three thousand seven hundred dollars $ 3,700.00

For publishing Montana supreme court reports, two thousand one hundred dollars ..... $ 2,100.00

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For public employees retirement system, one thousand seven hundred twenty-five dollars ..... $ 1,725.00

ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

For salaries, sixty-seven thousand eight hundred fifty dollars ..... $ 67,850.00

For capital, repairs and replacements, seven hundred fifty dollars ..... $ 750.00

For operation, twenty-six thousand five hundred fifty-six dollars ..... $ 26,556.00

For public employees retirement system, two thousand four hundred forty-two dollars and sixty cents ..... $ 2,442.60

For pleading interstate commerce commission and court expense, one thousand dollars ..... $ 1,000.00

Section 4. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in Section 1 of the act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teacher's meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Approved March 1, 1949.

HOUSE BILL NO. 439

An Act to Appropriate Money From the General Fund and Special

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Funds Enumerated Herein, for the Operation and Maintenance of Certain State Offices and Departments for the Year Ending June 30, 1949, the Appropriations Made by the Thirtieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, and from special funds enumerated herein, for the objects and purposes expressly set forth, for the year ending June 30, 1949, it having been determined that the appropriations made by the thirtieth legislative assembly were insufficient:

SECRETARY OF STATE

FROM THE GENERAL FUND

For operating expenses, one thousand nine hundred ninety-eight dollars ..... $ 1,998.00

RAILROAD COMMISSION

FROM THE GENERAL FUND

For operating expenses, six thousand dollars ..... $ 6,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries and expenses, four thousand eight hundred forty dollars ..... $ 4,840.00

SUPERVISED INSTRUCTION IN HEALTH, PHYSICAL EDUCATION AND RECREATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For expenses, six hundred forty dollars ..... $ 640.00

SCHOOL LUNCH PROGRAM

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, three thousand dollars ..... $ 3,000.00

For public employees retirement system, one hundred sixty-nine dollars and twenty cents ..... $ 169.20

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SUPERVISED CORRESPONDENCE SCHOOL
FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, two thousand dollars .....$ 2,000.00

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1949.

HOUSE BILL NO. 441

An Act to Appropriate Money From the General Fund for Salaries and Public Employees Retirement System of Veterans' Welfare Commission and Board of Education for the Fiscal Year Ending June 30, 1949, the Appropriations Made by the Thirtieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the objects and purposes expressly set forth, for the fiscal year ending June 30, 1949, it having been determined that the appropriations made by the thirtieth legislative assembly were insufficient:

VETERANS' WELFARE COMMISSION
FROM THE GENERAL FUND

For salaries, fourteen hundred dollars .....$ 1,400.00

For public employees retirement system, fifty dollars and forty cents .....$ 50.40

BOARD OF EDUCATION
FROM THE GENERAL FUND

For salaries, seven hundred seven dollars .....$ 707.00

For public employees retirement system, twenty-five dollars and forty-five cents .....$ 25.45

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VISUAL EDUCATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For film, five hundred dollars .....$ 500.00

For expenses, seven hundred eighty-five dollars .....$ 785.00

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

HOUSE BILL NO. 442

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1949 and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above,

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by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees retirement system" means the state contribution to the public employees retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1949 and ending June 30, 1950.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, one hundred twenty-five thousand three hundred ninety-two dollars and fifty cents $125,392.50

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For poultry disease control, six thousand one hundred eighty dollars .....$ 6,180.00

For public employees retirement system, three thousand five hundred ninety-seven dollars and twelve cents $ 3,597.12

FROM THE LIVESTOCK SANITARY BOARD FUND

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, fifty thousand dollars .....$ 50,000.00

For predatory animal control, fifty thousand dollars $ 50,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, forty-eight thousand dollars $ 48,000.00

In addition thereto, there is hereby appropriated all moneys re-

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ceived from the federal government for vocational rehabilitation; provided, however, that no administrative salaries shall be increased from the date of approval of this act until the end of the biennium, to-wit: June 30, 1951.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries, twenty-seven thousand thirty-five dollars $ 27,035.00

For capital, repairs and replacements, eight thousand nine hundred fifty dollars ..... $ 8,950.00

For operation, seventy-four thousand four hundred sixty-two dollars ..... $ 74,462.00

For public employees retirement system, one thousand five hundred two dollars ..... $ 1,502.00

For rental for armory buildings, sites and other property of the Montana armory board from July 1, 1949, to June 30, 1950, thirteen thousand five hundred dollars .... $ 13,500.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, twenty-six thousand three hundred ten dollars ..... $ 26,310.00

For public employees retirement system, two hundred fifty dollars ..... $ 250.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, eighty-four thousand six hundred ten dollars ..... $ 84,610.00

For public employees retirement system, two thousand eight hundred forty-three dollars and twenty-eight cents $ 2,843.28

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriation, there is hereby appro-

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priated all fees and collections accruing to the industrial administrative fund for salaries and expenses, as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary, as provided by law.

STATE LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

For salary of secretary, three thousand two hundred dollars	$	3,200.00
For salary of assistants, four thousand two hundred five dollars	$	4,205.00
For purchase of books, periodicals and binding, five thousand four hundred dollars	$	5,400.00
For travel, eight hundred dollars	$	800.00
For furniture and fixtures, six hundred dollars	$	600.00
For expenses, seven hundred dollars	$	700.00
For public employees retirement system, three hundred three dollars and twelve cents	$	303.12

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries, six thousand four hundred dollars	$	6,400.00
For capital, repairs and replacements, one thousand dollars	$	1,000.00
For operation, three hundred dollars	$	300.00
For legislative reference bureau, seventy-five dollars	$	75.00
For public employees retirement system, two hundred fifty dollars	$	250.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

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HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For salaries, seven thousand four hundred dollars .....$ 7,400.00

For capital, repairs and replacements, five thousand five hundred ninety dollars .....$ 5,590.00

For operation, one thousand fifty-five dollars .....$ 1,055.00

For public employees retirement system, two hundred sixty-six dollars and forty cents .....$ 266.40

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For salary of state accountant, four thousand five hundred dollars .....$ 4,500.00

For salaries of other employees, fifteen thousand nine hundred dollars .....$ 15,900.00

For capital, repairs and replacements, seven thousand eight hundred fifty-five dollars .....$ 7,855.00

For operation, two thousand three hundred twenty-five dollars .....$ 2,325.00

For public employees retirement system, seven hundred thirty-four dollars and forty cents .....$ 734.40

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For salaries, thirty-one thousand five hundred dollars $ 31,500.00

For capital, repairs and replacements, eight hundred dollars .....$ 800.00

For operation, three thousand six hundred fifty dollars .....$ 3,650.00

For public employees retirement system, one thousand one hundred thirty-four dollars .....$ 1,134.00

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For salaries, twenty-five thousand two hundred dollars .....$ 25,200.00

For repairs and replacements, three hundred dollars $ 300.00

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For operation, fifteen thousand dollars ..... $ 15,000.00

For public employees retirement system, nine hundred seven dollars and twenty cents ..... $ 907.20

CAPITOL BUILDING — BUILDINGS NOW IN EXISTENCE

FROM THE GENERAL FUND

For salaries, forty-six thousand seven hundred twenty-six dollars and fifty cents ..... $ 46,726.50

For salary of postmaster and assistant, four thousand two hundred twenty-six dollars ..... $ 4,226.00

For operation, fourteen thousand seventy-five dollars $ 14,075.00

For capital, repairs and replacements, fifteen thousand eight hundred dollars ..... $ 15,800.00

For public employees retirement system, one thousand eight hundred thirty-four dollars and twenty-nine cents $ 1,834.29

NEW OFFICE BUILDING

FROM THE GENERAL FUND

For salaries, seven thousand two hundred dollars ..... $ 7,200.00

For capital, repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

For operation, three thousand four hundred two dollars ..... $ 3,402.00

For public employees retirement system, two hundred fifty dollars ..... $ 250.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For salaries and expenses, one hundred thirty-five thousand five hundred twenty-three dollars and seventy-five cents $135,523.75

For public employees retirement system, three thousand eight hundred eighty-five dollars ..... $ 3,885.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twenty-two thousand six hundred twenty-one dollars and twenty-five cents ..... $ 22,621.25

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For public employees retirement system, six hundred forty-two dollars ..... $ 642.00

FROM THE HIGHWAY FUND

For salaries and expenses, forty-six thousand six hundred eighty-five dollars ..... $ 46,685.00

For public employees retirement system, one thousand one hundred ninety dollars ..... $ 1,190.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

FROM THE SLOT MACHINE LICENSE FUND

For slot machine license fees, as much as may be necessary to comply with the provisions of the law.

FROM THE TRADE STIMULATOR LICENSE TAX FUND

For trade stimulator license fees, as much as may be necessary to comply with the provisions of the law.

FROM THE CIGARETTE LICENSE TAX FUND

For cigarette license fees, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATIVE DEPARTMENT

FROM THE GENERAL FUND

For salaries, nine thousand two hundred dollars ..... $ 9,200.00

For capital, repairs and replacements and operation, two thousand two hundred dollars ..... $ 2,200.00

For public employees retirement system, seven thousand five hundred sixty-five dollars ..... $ 7,565.00

For compiling agricultural statistics by cooperation with the bureau of agricultural economics, nine thousand and five hundred dollars ..... $ 9,500.00

HeinOnline -- 1949 573 1949

DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty-five thousand seven hundred eighty dollars ..... $ 35,780.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, one hundred eleven thousand dollars $111,000.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, ninety-one thousand eight hundred thirty-four dollars and fifty-one cents ..... $ 91,834.51

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

LABOR DIVISION

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars .... $ 15,000.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, two thousand seven hundred dollars ..... $ 2,700.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

For salaries and expenses, eight hundred ten dollars $ 810.00

HeinOnline -- 1949 574 1949

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

It is provided that upon request of the commissioner of agriculture, the state board of examiners may transfer amounts of appropriations not needed between the grain, dairy and horticulture divisions, provided the aggregate total is neither increased or decreased.

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars .....$ 1,000.00

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred forty-four thousand dollars $144,000.00

For travel, thirteen thousand eight hundred sixty dollars .....$ 13,860.00

For public employees retirement system, five thousand one hundred eighty-four dollars .....$ 5,184.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, sixty-five thousand dollars .....$ 65,000.00

For public employees retirement system, two thousand three hundred forty dollars .....$ 2,340.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, ten thousand dollars .....$ 10,000.00

STATE PARKS

FROM THE GENERAL FUND

For salaries and expenses, forty-six thousand two hundred twenty-five dollars .....$ 46,225.00

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For public employees retirement system, eight hundred forty-nine dollars and twenty cents ..... $ 849.20

For purchase of lands and improvements at Lewis and Clark cavern and at Gate of the Mountains, three thousand dollars ..... $ 3,000.00

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

For salaries and expenses, thirty-one thousand eight hundred forty-five dollars ..... $ 31,845.00

For public employees retirement system, seven hundred eighty dollars ..... $ 780.00

PURCHASING AGENT

FROM THE GENERAL FUND

For salaries, fourteen thousand seven hundred eighty dollars and twenty-three cents ..... $ 14,780.23

For maintenance and repairs of fair grounds, two hundred fifty dollars ..... $ 250.00

For public employees retirement system, eight hundred dollars ..... $ 800.00

FROM THE HIGHWAY FUND

For salaries and expenses, thirteen thousand seven hundred dollars ..... $ 13,700.00

For public employees retirement system, five hundred dollars ..... $ 500.00

FROM FISH AND GAME FUND

For salaries and expenses, two thousand dollars ..... $ 2,000.00

FROM UNIVERSITY MILLAGE FUND

For salaries and expenses, eight thousand seven hundred forty-five dollars and eighty-nine cents ..... $ 8,745.89

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, fifty-nine thousand five hundred twenty dollars ..... $ 59,520.00

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For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, twenty-nine thousand eight hundred twenty-five dollars ..... $ 29,825.00

For public employees retirement system, two thousand one hundred forty-two dollars and seventy-two cents ..... $ 2,142.72

PERMANENT REVOLVING FUND

FROM THE GENERAL FUND

One thousand dollars ..... $ 1,000.00

For the purpose of creating a permanent revolving fund to be known as the state examiner's revolving fund. The salaries and expenses of all examinations of the state liquor control board, the public welfare commission, the Montana fish and game department, and all special examinations of any state office, department or agency, shall be paid from this revolving fund, and such state office, department or agency shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a permanent revolving fund for the purpose of meeting the expenses incurred in making special or unusual examination as above set forth.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars $ 350.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1950 and ending June 30, 1951.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, one hundred twenty-five thousand three hundred ninety-two dollars and fifty cents $125,392.50

For poultry disease control, six thousand one hundred eighty dollars ..... $ 6,180.00

HeinOnline -- 1949 577 1949

For public employees retirement system, three thousand five hundred ninety-seven dollars and twelve cents $ 3,597.12

FROM THE LIVESTOCK SANITARY BOARD FUND

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, fifty thousand dollars .....$ 50,000.00

For predatory animal control, fifty thousand dollars $ 50,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For the payment of bounty claims, so much thereof as may be necessary, as provided by law.

FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, forty-eight thousand dollars $ 48,000.00

In addition thereto, there is hereby appropriated all moneys received from the federal government for vocational rehabilitation; provided, however, that no administrative salaries shall be increased from the date of the approval of this act until the end of the biennium, to-wit: June 30, 1951.

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ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries, twenty-seven thousand thirty-five dollars $ 27,035.00

For capital, repairs and replacements, five thousand four hundred dollars ..... $ 5,400.00

For operation, seventy-seven thousand one hundred sixty-two dollars ..... $ 77,162.00

For public employees retirement system, one thousand five hundred two dollars ..... $ 1,502.00

For rental for armory buildings, sites and other property of the Montana armory board from July 1, 1950, to June 30, 1951, thirteen thousand five hundred dollars .... $ 13,500.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, twenty-six thousand three hundred ten dollars ..... $ 26,310.00

For public employees retirement system, two hundred fifty dollars ..... $ 250.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, eighty-one thousand one hundred ten dollars ..... $ 81,110.00

For public employees retirement system, two thousand eight hundred forty-three dollars and twenty-eight cents $ 2,843.28

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses, as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

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FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary, as provided by law.

STATE LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

For salary of secretary, three thousand two hundred dollars	$	3,200.00
For salary of assistants, four thousand four hundred twenty-five dollars	$	4,425.00
For purchase of books, periodicals and binding, five thousand four hundred dollars	$	5,400.00
For travel, eight hundred dollars	$	800.00
For furniture and fixtures, six hundred dollars	$	600.00
For expenses, seven hundred dollars	$	700.00
For public employees retirement system, three hundred twenty-four dollars	$	324.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries, six thousand dollars	$	6,000.00
For capital, repairs and replacements, two hundred dollars	$	200.00
For legislative reference bureau, seventy-five dollars	$	75.00
For operation, three hundred dollars	$	300.00
For public employees retirement system, two hundred fifty dollars	$	250.00

FROM THE LAW LIBRARY FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For salaries, seven thousand four hundred dollars	$	7,400.00

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For capital, repairs and replacements, five thousand five hundred ninety dollars ..... $ 5,590.00

For operation, one thousand fifty-five dollars ..... $ 1,055.00

For public employees retirement system, two hundred sixty-six dollars and forty cents ..... $ 266.40

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For salary of state accountant, four thousand five hundred dollars ..... $ 4,500.00

For salaries of other employees, fifteen thousand nine hundred dollars ..... $ 15,900.00

For capital, repairs and replacements, two hundred seventy-five dollars ..... $ 275.00

For operation, seven thousand two hundred twenty-five dollars ..... $ 7,225.00

For printing gummed labels to be inserted in 1951 legislative budget book showing expenditures from July 1, 1950 to December 31, 1950, forty dollars ..... $ 40.00

For public employees retirement system, seven hundred sixty-two dollars and forty-eight cents ..... $ 762.48

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For salaries, thirty-one thousand five hundred dollars $ 31,500.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, three thousand six hundred fifty dollars ..... $ 3,650.00

For public employees retirement system, one thousand one hundred thirty-four dollars ..... $ 1,134.00

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For salaries, twenty-five thousand two hundred dollars ..... $ 25,200.00

For repairs and replacements, three hundred dollars $ 300.00

HeinOnline -- 1949 581 1949

For operation, fifteen thousand dollars ..... $ 15,000.00

For public employees retirement system, nine hundred seven dollars and twenty cents ..... $ 907.20

CAPITOL BUILDING — BUILDINGS NOW IN EXISTENCE

FROM THE GENERAL FUND

For salaries, forty-six thousand seven hundred twenty-six dollars and fifty cents ..... $ 46,726.50

For salary of postmaster and assistant, four thousand two hundred twenty-six dollars ..... $ 4,226.00

For operation, fourteen thousand seventy-five dollars $ 14,075.00

For capital, repairs and replacements, nine thousand eight hundred dollars ..... $ 9,800.00

For public employees retirement system, one thousand eight hundred thirty-four dollars and twenty-nine cents $ 1,834.29

NEW OFFICE BUILDING

FROM THE GENERAL FUND

For salaries, fourteen thousand four hundred dollars $ 14,400.00

For capital, repairs and replacements, three hundred fifty dollars ..... $ 350.00

For operation, four thousand nine hundred fifty-four dollars ..... $ 4,954.00

For public employees retirement system, five hundred dollars ..... $ 500.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For salaries and expenses, one hundred thirty-seven thousand seven hundred seventy-three dollars and seventy-five cents $137,773.75

For public employees retirement system, three thousand eight hundred eighty-five dollars ..... $ 3,885.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twenty-two thousand six hundred twenty-one dollars and twenty-five cents ..... $ 22,621.25

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For public employees retirement system, six hundred forty-two dollars ..... $ 642.00

FROM THE HIGHWAY FUND

For salaries and expenses, forty-three thousand nine hundred thirty dollars ..... $ 43,930.00

For public employees retirement system, one thousand one hundred ninety dollars ..... $ 1,190.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

FROM THE SLOT MACHINE LICENSE FUND

For slot machine license fees, as much as may be necessary to comply with the provisions of the law.

FROM THE TRADE STIMULATOR LICENSE TAX FUND

For trade stimulator license fees, as much as may be necessary to comply with the provisions of the law.

FROM THE CIGARETTE LICENSE TAX FUND

For cigarette license fees, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATIVE DEPARTMENT

FROM THE GENERAL FUND

For salaries, nine thousand two hundred dollars ..... $ 9,200.00

For capital, repairs and replacements and operation, two thousand two hundred dollars ..... $ 2,200.00

For public employees retirement system, seven thousand five hundred sixty-five dollars ..... $ 7,565.00

For compiling agricultural statistics by cooperation with the bureau of agricultural economics, nine thousand five hundred dollars ..... $ 9,500.00

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DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty-five thousand seven hundred eighty dollars ..... $ 35,780.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, one hundred eleven thousand dollars $111,000.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, ninety-one thousand eight hundred thirty-four dollars and fifty-one cents ..... $ 91,834.51

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

LABOR DIVISION

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars .... $ 15,000.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, two thousand seven hundred dollars ..... $ 2,700.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

For salaries and expenses, eight hundred ten dollars $ 810.00

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

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It is provided that upon request of the commissioner of agriculture, the state board of examiners may transfer amounts of appropriations not needed between the grain, dairy and horticulture divisions, provided the aggregate total is neither increased or decreased.

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars .....$ 1,000.00

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred forty-four thousand dollars $144,000.00

For travel, thirteen thousand eight hundred sixty dollars .....$ 13,860.00

For public employees retirement system, five thousand one hundred eighty-four dollars .....$ 5,184.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, sixty-five thousand dollars .....$ 65,000.00

For public employees retirement system, two thousand three hundred forty dollars .....$ 2,340.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, ten thousand dollars .....$ 10,000.00

STATE PARKS

FROM THE GENERAL FUND

For salaries and expenses, forty-six thousand one hundred sixty-five dollars .....$ 46,165.00

For public employees retirement system, eight hundred forty-nine dollars and twenty cents .....$ 849.20

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

For salaries and expenses, thirty-one thousand four hundred seventy dollars .....$ 31,470.00

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For public employees retirement system, seven hundred eighty dollars ..... $ 780.00

PURCHASING AGENT

FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand six hundred sixty seven dollars and twenty-seven cents ..... $ 14,667.27

For maintenance and repairs of fair grounds, two hundred fifty dollars ..... $ 250.00

For public employees retirement system, eight hundred dollars ..... $ 800.00

FROM FISH AND GAME FUND

For salaries and expenses, two thousand dollars ..... $ 2,000.00

FROM THE HIGHWAY FUND

For salaries and expenses, thirteen thousand seven hundred dollars ..... $ 13,700.00

For public employees retirement system, five hundred dollars ..... $ 500.00

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eight thousand seven hundred forty-three dollars and nine cents ..... $ 8,743.09

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, fifty-nine thousand seven hundred dollars ..... $ 59,700.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For operation, twenty-eight thousand dollars ..... $ 28,000.00

For public employees retirement system, two thousand one hundred forty-two dollars and seventy-two cents .... $ 2,142.72

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars $ 350.00

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Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 3, 1949.

HOUSE BILL NO. 443

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1949 and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for

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the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees retirement system" means the state contribution to the public employees retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1949, and ending June 30, 1950.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifteen thousand eight hundred fifteen dollars .....$ 115,815.00

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For public employees retirement system, two thousand eight hundred eighty dollars ..... $ 2,880.00

In addition to the above appropriation there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-six thousand eight hundred thirty dollars and forty-eight cents ..... $ 156,830.48

For public employees retirement system, four thousand dollars ..... $ 4,000.00

In addition to the above appropriations all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-nine thousand fifty-two dollars ..... $ 159,052.00

For public employees retirement system, four thousand three hundred twenty dollars ..... $ 4,320.00

In addition to the above appropriations all income from land grants and trust funds which may be received are hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For salaries and expenses, eighty-two thousand eight hundred seventy-one dollars ..... $ 82,871.00

For public employees retirement system, two thousand one hundred seventy-three dollars and sixty-eight cents ..... $ 2,173.68

In addition to the above appropriations all trust funds which may be received by the institution are hereby appropriated.

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STATE PRISON

FROM THE GENERAL FUND

For salaries and expenses, two hundred four thousand nine hundred seventy-seven dollars and two cents ..... $ 204,977.02

In addition thereto there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars ..... $ 30,000.00
provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, three thousand three hundred dollars ..... $ 3,300.00

For public employees retirement system, seven thousand six hundred thirty-two dollars and eighty cents $ 7,632.80

In addition to the above all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

For salaries and expenses, one thousand seven hundred ninety-eight dollars ..... $ 1,798.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, one million five hundred thirteen thousand one hundred thirty-six dollars ..... $ 1,513,136.00

For salaries and expenses of the mental hygiene department, sixty thousand six hundred eighty dollars $ 60,680.00

For public employees retirement system, fifty-three thousand sixty-one dollars ..... $ 53,061.00

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In addition to the above appropriations all trust funds and all moneys received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For salaries and expenses, four hundred twenty-nine thousand nine hundred eighty-five dollars ..... $ 429,985.00

For the purpose of the construction and equipping of a kitchen, dining-room and storage room, subject to the approval of the state board of examiners, three hundred fifty thousand dollars ..... $ 350,000.00

For the construction of sewage disposal plant, fire lines and hydrants, subject to the approval of the state board of examiners, ninety thousand dollars ..... $ 90,000.00

For the furnishing of a new seventy-two (72) bed wing, moneys for the construction of which have previously been appropriated, subject to the approval of the state board of examiners, eighty-six thousand four hundred dollars ..... $ 86,400.00

For the construction and furnishing of an apartment building for employees housing, subject to the approval of the state board of examiners, one hundred ten thousand dollars ..... $ 110,000.00

For professional services and contingencies in connection with new construction, subject to the approval of the state board of examiners, the sum of twenty-five thousand dollars ..... $ 25,000.00

For public employees retirement system, twelve thousand dollars ..... $ 12,000.00

In addition all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For salaries and expenses, sixty-two thousand six hundred sixteen dollars ..... $ 62,616.00

For public employees retirement system, two thousand dollars ..... $ 2,000.00

HeinOnline -- 1949 591 1949

In addition to the above appropriations all money received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, three hundred nine thousand two hundred sixty-four dollars and eighty cents $ 309,264.80

For public employees retirement system, eight thousand four hundred dollars ..... $ 8,400.00

In addition all trust funds are hereby appropriated subject to all statutory provisions.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1950, and ending June 30, 1951.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

For salaries and expenses, one hundred sixteen thousand seven hundred ninety dollars ..... $ 116,790.00

In addition to the above appropriation there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory provisions and obligations of any outstanding bond issue.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty thousand seven hundred fifty dollars and forty-eight cents $ 150,750.48

In addition to the above appropriation all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-six thousand five hundred thirty-two dollars ..... $ 156,532.00

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In addition to the above appropriation all income from land grants and trust funds which may be received are hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For salaries and expenses, seventy-eight thousand five hundred thirty-nine dollars and thirty cents .....$ 78,539.30

In addition to the above appropriation all trust funds which may be received by the institution are hereby appropriated.

STATE PRISON

FROM THE GENERAL FUND

For salaries and expenses, two hundred four thousand nine hundred seventy-seven dollars and two cents $ 204,977.02

In addition thereto there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars .....$ 30,000.00
provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, three thousand three hundred dollars .....$ 3,300.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

For salaries and expenses, one thousand seven hundred ninety-eight dollars .....$ 1,798.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in making of license plates, is hereby appropriated.

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STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, one million five hundred thirteen thousand one hundred forty-three dollars .....$ 1,513,143.00

For salaries and expenses of the mental hygiene department, fifty-nine thousand nine hundred eighty dollars .....$ 59,980.00

In addition to the above appropriations all trust funds and all moneys received from federal assistance are hereby appropriated subject to statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For salaries and expenses, four hundred eighty thousand three hundred ninety-five dollars .....$ 480,395.00

In addition to the above appropriation all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For salaries and expenses, sixty-two thousand six hundred sixteen dollars .....$ 62,616.00

In addition to the above appropriation all moneys received from federal assistance and income from land grants and trust funds are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, three hundred six thousand two hundred fourteen dollars and eighty cents $ 306,214.80

In addition all trust funds are hereby appropriated subject to all statutory provisions.

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings

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or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Section 6. It is further provided that the state's contribution for the teachers' retirement fund, for teachers coming under the retirement law, is contained in the appropriations for salaries and expenses of the institutions affected and said contribution is hereby authorized to be paid, in the same manner as all other claims, from such appropriations.

Section 7. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriation from the general fund.

Approved March 7, 1949.

HOUSE BILL NO. 444

An Act to Appropriate Money for the Payment of Per Diem to the Attaches and for the Incidental Expenses of the Thirty-first Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section. 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of per diem to the attaches of the thirty-first legislative assembly of the State of Montana, twelve thousand dollars ..... $ 12,000.00

For the payment of incidental expenses of the thirty-first legislative assembly of the State of Montana, ten thousand dollars ..... $ 10,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in either of the above items, it may be transferred to the other item appropriated herein for the legislative assembly, provided, the aggregate amount of both appropriations shall be neither increased nor decreased.

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Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

HOUSE BILL NO. 445

An Act to Appropriate Money from the General Fund for the Support and Maintenance of Certain Institutions for the Year Ending June 30, 1949, the Appropriation Made by the Thirtieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed, for the year ending June 30, 1949, the appropriation made by the thirtieth legislative assembly having been found to be insufficient.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For salaries and expenses, eleven thousand nine hundred dollars ..... $ 11,900.00

STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, one hundred sixty-five thousand dollars $165,000.00

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars..... $ 12,000.00

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, twenty-one thousand four hundred eighty-three dollars and sixty cents ..... $ 21,483.60

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STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, forty-one thousand five hundred twenty-five dollars ..... $ 41,525.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1949.

HOUSE BILL NO. 446

An Act to Appropriate Money for the Purpose of Paying Certain Obligations Incurred by the Supreme Court Under the Provisions of Sections 378 to 384 Inclusive and Section 283.1 of the Revised Codes of Montana of 1935, as Amended, It Having Been Determined That the Appropriations Made by the Thirtieth Legislative Assembly Were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1949:

SUPREME COURT

FROM THE GENERAL FUND

For the manufacture, printing and publishing of new volumes of the Montana Reports, three thousand seven hundred fifty dollars, twenty-six cents ..... $ 3,750.26

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1949.

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HOUSE BILL NO. 447

An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Sub-Stations, Extension Service, Montana School of Mines, Montana State Normal College at Dillon, Eastern Montana Normal School at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1949, and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, in-

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cluding salaries, capital repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1949, and ending June 30, 1950.

FOR THE MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seven hundred five thousand four hundred and twenty-nine dollars $705,429.00

For salaries and expenses for the forest conservation experiment station, nine thousand dollars ..... $ 9,000.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding twenty-six thousand one hundred and twenty-five dollars ..... $ 26,125.00

For state's contribution to the public employees' retirement system as much as may be necessary, not exceeding six thousand six hundred and fifty dollars..... $ 6,650.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries

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and expenses, in lieu of fees and collections one hundred and seventy-five thousand dollars $175,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), three hundred sixteen thousand, nine hundred and thirty-two dollars..... $316,932.00

In addition to the above appropriations, there is hereby appropriated from the general fund for the repair, improvement and extension of campus roadways, walks and curbs, for the enlargement and extension of steam mains, extension of water mains and fire protection, for completion of the third floor of the business administration and education building, for construction of a forestry greenhouse and a pharmacy animal house, for installation of electrical distribution system and class bell signal system and for the construction of laboratory and staff buildings, docks and live pens at the Yellow Bay biological station, three hundred thousand dollars $300,000.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, six hundred nine thousand two hundred and forty dollars..... $609,240.00

For salaries and expenses of the engineering experiment station, ten thousand dollars..... $ 10,000.00

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For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding twenty-five thousand dollars ..... $ 25,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding fifteen thousand dollars ..... $ 15,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-five thousand dollars $175,000.00
provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) two hundred seventy-three thousand seven hundred and sixteen dollars..... $273,716.00

In addition to the above appropriations there is hereby appropriated from the general fund for sewage disposal assessment by the City of Bozeman, special street improvements, telephone fire alarm charges, for the repair, improvement and extension of campus roadways, walks, curbs and parking areas, for replacing steam lines, purchase of equipment and furniture, including stacks for the new library and for the construction of bleachers, three hundred twenty thousand dollars..... $320,000.00

In addition to the foregoing appropriations there is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-six thousand, six hundred and seventy-nine dollars..... $156,679.00

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For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) sixty thousand three hundred ninety-two dollars ..... $ 60,392.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for sheep livestock research, including expenses of maintaining leases for sheep breeding research and experimental range feeding of sheep, ten thousand dollars..... $ 10,000.00

FOR THE EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Central Montana Branch Station, Nineteen thousand two hundred dollars ..... $ 19,200.00

Horticulture branch station, sixteen thousand two hundred forty dollars ..... $ 16,240.00

Huntley branch station, twenty-two thousand eight hundred dollars ..... $ 22,800.00

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North Montana branch station, twenty-five thousand fifty-three dollars ..... $ 25,053.00

Northwestern Montana branch station, fourteen thousand seven hundred dollars ..... $ 14,700.00

United States range livestock experiment station, four thousand six hundred and twenty dollars ..... $ 4,620.00

For state's contribution to public employees' retirement system, as much as may be necessary, not exceeding five thousand dollars ..... $ 5,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated for salaries and expenses for each of the following sub-stations and branches:

Eastern Montana branch station, fourteen thousand nine hundred dollars ..... $ 14,900.00

Montana grain inspection laboratory, twelve thousand eight hundred and one dollars ..... $ 12,801.00

Montana Wool laboratory, eighteen thousand four hundred dollars ..... $ 18,400.00

In addition to the above appropriations, all moneys collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

FOR THE EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred forty-nine thousand, six hundred and seventy-one dollars $149,671.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding fifteen thousand eight hundred and eighty dollars ..... $ 15,880.00

For state's contribution to the public employees retire-

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ment system as much as may be necessary, not exceeding three thousand five hundred dollars ..... $ 3,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, three thousand dollars ..... $ 3,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) sixty-seven thousand two hundred and forty-three dollars ..... $ 67,243.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

FOR THE MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred seven thousand four hundred and eighty-nine dollars $107,489.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding two thousand eight hundred dollars ..... $ 2,800.00

For state's contribution to the public employees' retirement system as much as may be necessary not exceeding two thousand dollars ..... $ 2,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections twenty-three thousand dollars ..... $ 23,000.00

provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the

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general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) forty-eight thousand two hundred and ninety-three dollars ..... $ 48,293.00

In addition to the above appropriations there is hereby appropriated from the general fund for purchase of equipment for petroleum laboratory, remodeling of and equipment for mill building, for the repair, improvement and extension of campus roadways, walks, curbs and shrubbery, for the purchase of additional land contiguous to campus and additional appropriation for shop building, forty-three thousand dollars ..... $ 43,000.00

In addition to the above appropriations there is hereby appropriated for the school of mines all income from land grant, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

FOR THE BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, thirty-five thousand dollars.. $ 35,000.00

FOR THE MONTANA STATE NORMAL COLLEGE AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy-five thousand six hundred and sixteen dollars ..... $ 75,616.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding one thousand five hundred dollars ..... $ 1,500.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars .. .. $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is here-

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by appropriated for salaries and expenses, in lieu of fees and collections, seven thousand dollars .....$ 7,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the above appropriations there is hereby appropriated from the general fund for salary of a janitor-engineer, for salaries and expenses for the special commercial, shop and home economics educational departments, for purchase of sprinkling system and stoker, repair of roof and gutters on main hall, construction of fire escapes, purchase of equipment for the music department, redecoration of library and main hall, rewiring main hall, installation of fire protection system and safety shower for laboratory, repair, improvement and extension of campus roadways, walks and shrubbery, purchase of land for sports and recreation field, remodeling of lavatory rooms and enlarging auditorium stage, one hundred fourteen thousand dollars.....$114,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), thirty-three thousand nine hundred and seventy-three dollars .....$ 33,973.00

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE EASTERN MONTANA NORMAL SCHOOL AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred and forty-seven thousand five hundred dollars $147,500.00

For state's contribution to teachers' retirement fund, as much as may be *necessary, not exceeding* three thousand dollars .....$ 3,000.00

For state's contribution to public employees retirement system, as much as may be necessary, not exceeding one thousand dollars .....$ 1,000.00

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FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, fifteen thousand dollars ..... $ 15,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations from the general fund there is hereby appropriated for salaries and expenses for the special commercial and shop educational departments, repairs to gymnasium, tower and laboratory school roofs, repairs to and interior decorating of administration building, pointing up brick on administration building, purchase of library books, purchase of furniture and equipment for science building, installation of electrical sub-stations and power lines, development of parking lot, sports and recreation field improvement, landscaping and fencing irrigation ditch and campus irrigation, one hundred thirty-eight thousand dollars $138,000.00

In addition to the above appropriation there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred ninety-three thousand seven hundred and sixty dollars $193,760.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding two thousand five hundred dollars ..... $ 2,500.00

For state's contribution to the public employees' retirement fund, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is here-

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by appropriated from the general fund for salaries and expenses, in lieu of fees and collections, fifteen thousand dollars ..... $ 15,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for expense of garbage collection assessment, ground improvements, purchase of equipment for shops and laboratory, campus grounds improvements and supplemental building appropriation for building now under construction, eighty-five thousand dollars ..... $ 85,000.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

FOR STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1950, and ending June 30, 1951.

FOR THE MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seven hundred forty-one thousand one hundred and ninety-six dollars $741,196.00

For salaries and expenses for the forest conservation experiment station, nine thousand dollars ..... $ 9,000.00

For the state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding twenty-six thousand nine hundred and fifty dollars..... $ 26,950.00

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For the state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding six thousand eight hundred and sixty dollars.....$ 6,860.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred eighty thousand dollars $180,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) four hundred thirty-five thousand three hundred and five dollars $435,305.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal funds received or to be received are hereby appropriated to the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, six hundred thirty-five thousand six hundred and forty-two dollars $635,642.00

For salaries and expenses of the engineering experiment station, ten thousand dollars .....$ 10,000.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding twenty-five thousand dollars .....$ 25,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding fifteen thousand dollars .....$ 15,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is here-

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by appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-five thousand dollars $175,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), three hundred seventy-three thousand three hundred and fourteen dollars $373,314.00

In addition to the foregoing appropriations there is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred forty-three thousand and fifty-four dollars $143,054.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station all federal funds and also all trust funds.

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FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) seventy-four thousand and sixteen dollars ..... $ 74,016.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for sheep livestock research, including expenses of maintaining leases for sheep breeding research and experimental range feeding of sheep, ten thousand dollars ..... $ 10,000.00

FOR THE EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Horticulture branch station, sixteen thousand two hundred and thirty-two dollars ..... $ 16,232.00

North Montana branch station, twenty-five thousand and fifty dollars ..... $ 25,050.00

Northwestern Montana branch station, fourteen thousand seven hundred dollars ..... $ 14,700.00

United States range livestock experiment station, four thousand six hundred dollars ..... $ 4,600.00

Eastern Montana branch station, fourteen thousand seven hundred dollars ..... $ 14,700.00

Montana wool laboratory, eighteen thousand three hundred dollars ..... $ 18,300.00

For state's contribution to public employees' retirement system as much as may be necessary, not exceeding five thousand dollars ..... $ 5,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated for salaries and expenses for each of the following sub-stations and branches:

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Central Montana branch station, nineteen thousand four hundred dollars ..... $ 19,400.00

Montana grain laboratory, twelve thousand five hundred and seventy-two dollars ..... $ 12,572.00

Huntley branch station, twenty-three thousand dollars.. $ 23,000.00

In addition to the above appropriations, all moneys collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

FOR THE EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred thirty-six thousand, six hundred and fifty-seven dollars 136,657.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding fifteen thousand six hundred dollars ..... $ 15,600.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding three thousand five hundred dollars ..... $ 3,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, three thousand dollars ..... $ 3,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), eighty thousand two hundred and fifty-nine dollars ..... $ 80,259.00

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In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

FOR THE MONTANA SCHOOL OF MINES
AT BUTTE
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred four thousand and ninety-six dollars $104,096.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding two thousand eight hundred dollars ..... $ 2,800.00

For state's contribution to the public employees' retirement system, as much as may be necessary not exceeding two thousand dollars ..... $ 2,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections, twenty-three thousand dollars ..... $ 23,000.00 provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), sixty-one thousand one hundred and thirty-six dollars ..... $ 61,136.00

In addition to the above appropriations there is hereby appropriated for the school of mines all income from land grant, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

FOR THE BUREAU OF MINES AND GEOLOGY
OF THE SCHOOL OF MINES
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, thirty-five thousand dollars..$ 35,000.00

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FOR THE MONTANA STATE NORMAL COLLEGE AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred twelve thousand five hundred eighty-eight dollars $112,588.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding one thousand five hundred dollars ..... $ 1,500.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections eight thousand dollars ..... $ 8,000.00 provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds; subject to all statutory provisions.

FOR THE EASTERN MONTANA NORMAL SCHOOL AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-four thousand five hundred dollars $154,500.00

For state's contribution to teachers' retirement fund, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

For state's contribution to public employees retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and

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expenses in lieu of fees and collections, fifteen thousand dollars ..... $ 15,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred twenty-eight thousand, three hundred and sixty-nine dollars $128,369.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

For state's contribution to the public employees' retirement fund as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, fifteen thousand dollars ..... $ 15,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) seventy-five thousand three hundred and ninety-one dollars ..... $ 75,391.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

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FOR STUDENT TRAVEL REFUNDS
FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

Section 4. The appropriations contained herein shall only be used for the purposes designated, nor shall they be interchangeable and all appropriations provided herein are subject to the definitions appearing in Section 1, of this act. In the event any institution, department, station or service or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for purposes other than that for which they were received.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of examiners obtained in advance.

Approved March 7, 1949.

HOUSE BILL NO. 448

An Act to Appropriate Money for State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning July 1, 1949 and Terminating With June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million one hundred eighty thousand four hundred eighty dollars ($4,180,480.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and

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for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1949 and terminating with June 30, 1950.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million three hundred seventy-six thousand eight hundred dollars ($2,376,800.00).

(b) For aid to needy dependent children, the sum of six hundred fifteen thousand seven hundred dollars ($615,700.00).

(c) For aid to needy blind, the sum of one hundred thirty-three thousand seven hundred fifty dollars ..... $ 133,750.00

(d) For child welfare services, including all state administrative costs, the sum of twenty thousand dollars ..... $ 20,000.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of fifty-five thousand two hundred thirty dollars $ 55,230.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(g) For general relief and contingencies, the sum of one hundred thirty-six thousand dollars ..... $ 136,000.00

(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of four hundred thirteen thousand dollars ..... $ 413,000.00

(i) For administrative costs of the state department, not otherwise provided for, and including public employees' retirement system and advances of the

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compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty thousand dollars ..... $ 180,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million one hundred eighty thousand four hundred eighty dollars ($4,180,480.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1950 and terminating with June 30, 1951.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million three hundred seventy-six thousand eight hundred dollars ..... $ 2,376,800.00

(b) For aid to needy dependent children, the sum of six hundred fifteen thousand seven hundred dollars $ 615,700.00

(c) For aid to needy blind, the sum of one hundred thirty-three thousand seven hundred fifty dollars ..... $ 133,750.00

(d) For child welfare services, including all state administrative costs, the sum of twenty thousand dollars ..... $ 20,000.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of fifty-five thousand two hundred thirty dollars ..... $ 55,230.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(g) For general relief and contingencies, the sum of one hundred thirty-six thousand dollars ..... $ 136,000.00

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(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of four hundred thirteen thousand dollars ..... $ 413,000.00

(i) For administrative costs of the state department, not otherwise provided for, and including public employees' retirement system and advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty thousand dollars ..... $ 180,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1949, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items (a), (b), (c), (d), (e), (f), (g) and (h), shall be transferred to item (i), administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 7, 1949.

HOUSE BILL NO. 449

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1949, and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in con-

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sideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees retirement system" means the state contribution to the public employees retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

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(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1949, and ending June 30, 1950.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars ..... $ 500.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, five thousand eight hundred dollars ..... $ 5,800.00

For public employees retirement system, eighty dollars $ 80.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salaries, thirteen thousand dollars ..... $ 13,000.00

For capital, repairs and replacements, one thousand dollars ..... $ 1,000.00

For operation, three thousand four hundred fifty dollars ..... $ 3,450.00

For public employees retirement system, four thousand dollars ..... $ 4,000.00

MATERNAL AND CHILD HEALTH

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars .... $ 15,000.00

PURE FOOD DIVISION

FROM THE GENERAL FUND

For salaries and expenses, sixteen thousand dollars .... $ 16,000.00

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SANITARY ENGINEERING

FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand five hundred dollars ..... $ 14,500.00

EPIDEMIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

For venereal disease control, four thousand dollars .... $ 4,000.00

VITAL STATISTICS

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars ..... $ 12,000.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars ..... $ 10,000.00

CRIPPLED CHILDREN AND CHILDREN WITH RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, fifty three thousand five hundred dollars ..... $ 53,500.00

In addition thereto, there is hereby appropriated, any money that may be received from the federal government to be used as provided in the grant.

DENTAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

TUBERCULOSIS CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty thousand dollars ..... $ 30,000.00

BLOOD BANK

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars ..... $ 500.00

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NARCOTICS EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars .....$ 5,000.00

HOSPITAL SURVEY

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars .....$ 7,500.00

HOSPITAL STANDARDS

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars .....$ 7,500.00

HYGIENIC LABORATORY

FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand dollars $ 17,000.00

COUNTY HEALTH CENTERS

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars .....$ 25,000.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, seven thousand five hundred dollars .....$ 7,500.00

FROM THE MILLAGE FUND

For expenses, four hundred forty dollars .....$ 440.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, two thousand seven hundred dollars .....$ 2,700.00

VISUAL EDUCATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twenty-one thousand five hundred thirty-five dollars .....$ 21,535.00

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VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, sixty-one thousand four hundred sixteen dollars ..... $ 61,416.00

In addition to the foregoing amounts, all income from federal funds known as vocational United States aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the University of Montana from the above general fund appropriations.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, nine thousand three hundred seventy dollars ..... $ 9,370.00

For public employees retirement system, one hundred eighty dollars ..... $ 180.00

APICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four thousand eight hundred twenty-five dollars ..... $ 4,825.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost of the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state high-

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way trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law. In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For salary of custodian, one thousand two hundred dollars ..... $ 1,200.00

For expenses, fifty-seven dollars and fifty cents ..... $ 57.50

MILK CONTROL BOARD

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand three hundred sixty-five dollars ..... $ 13,365.00

For public employees retirement system, one hundred thirty-five dollars ..... $ 135.00
provided, however, that no claim shall be made from this appropriation which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, six thousand three hundred dollars ..... $ 6,300.00

For public employees retirement system, one hundred fifty-two dollars ..... $ 152.00

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STATE BOARD OF FORESTRY

FROM THE GENERAL FUND

For salaries and expenses, fifteen hundred dollars .....$ 1,500.00

RURAL FIRE FIGHTERS SERVICE

FROM THE GENERAL FUND

For salaries and expenses, two thousand two hundred fifty dollars .....$ 2,250.00

UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, fifteen thousand dollars .....$ 15,000.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICKNESS AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY PATROL

FROM THE GENERAL FUND

For administrative salaries, thirty-three thousand four hundred eighty dollars .....$ 33,480.00

For salaries of highway patrolmen, two hundred twenty-four thousand seven hundred sixty dollars $224,760.00

For salaries of additional patrolmen, seven thousand two hundred dollars .....$ 7,200.00

For public employees retirement system, one thousand two hundred dollars .....$ 1,200.00

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For operation, one hundred forty-four thousand four hundred five dollars $144,405.00

For capital, forty-seven thousand six hundred fifty dollars ..... $ 47,650.00

For repairs and replacements, five hundred twenty-five dollars ..... $ 525.00

DRIVERS' EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries, forty-six thousand one hundred forty dollars ..... $ 46,140.00

For operation, capital, repairs and replacements, forty-seven thousand one hundred fifty dollars ..... $ 47,150.00

For public employees retirement system, six hundred thirty dollars ..... $ 630.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLES RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

FIRE INSURANCE

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, seventeen thousand five hundred dollars ..... $ 17,500.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, twenty thousand dollars ..... $ 20,000.00

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FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, five thousand dollars ..... $ 5,000.00

FROM THE MOTOR RECORDING FUND

For premiums on insurance for the motor vehicle department, two hundred dollars ..... $ 200.00

VETERANS WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty thousand dollars $150,000.00

STATE FORESTER ADMINISTRATION

FROM THE GENERAL FUND

For salaries, sixteen thousand six hundred dollars ..... $ 16,600.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, two thousand three hundred twenty dollars ..... $ 2,320.00

For public employees retirement system, one thousand five hundred sixty-five dollars ..... $ 1,565.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For salaries and expenses, twenty-seven thousand dollars ..... $ 27,000.00

TIMBER SALES

FROM THE GENERAL FUND

For salaries and expenses, thirty-nine thousand six hundred dollars ..... $ 39,600.00

STATE FORESTRY NURSERY

FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

In addition to the above appropriations for the state forester,

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there is hereby appropriated all money received from the federal government or trust to be used for the purposes for which they were provided.

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For salaries, fifteen thousand two hundred eighty dollars ..... $ 15,280.00

For capital, repairs and replacements, five hundred twenty-five dollars ..... $ 525.00

For operation, one thousand three hundred thirty dollars ..... $ 1,330.00

For public employees retirement system, six hundred fifty dollars ..... $ 650.00

For bonds, approving opinion and other expenses for university bondage, five thousand dollars ..... $ 5,000.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, four thousand eight hundred dollars ..... $ 4,800.00

For capital, repairs and replacements, three hundred seventy-five dollars ..... $ 375.00

For operation, six hundred twenty dollars ..... $ 620.00

For public employees retirement system, one hundred seventy-five dollars ..... $ 175.00

STATE ENGINEER

FROM THE GENERAL FUND

For salaries, six thousand one hundred fifty dollars .... $ 6,150.00

For operation, capital, repairs and replacements, three thousand fifty-seven dollars ..... $ 3,057.00

For public employees retirement system, one thousand five hundred thirty-five dollars ..... $ 1,535.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, eighteen thousand two hundred twenty dollars ..... $ 18,220.00

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SURVEY OF INTERSTATE WATERS AND WATER RESOURCES SURVEY

FROM THE GENERAL FUND

For salaries and expenses, fifty-five thousand six hundred dollars ..... $ 55,600.00

For survey of international and water rights, two thousand five hundred dollars ..... $ 2,500.00

CAREY LAND ACT

FROM THE GENERAL FUND (TO SUPPLEMENT CAREY LAND ACT FUND)

For salaries and expenses, eight thousand six hundred fifty-five dollars ..... $ 8,655.00

FROM THE CAREY LAND ACT FUND

In addition, all revenue received or to be received, is hereby appropriated for the purpose for which the fund is established.

For necessary expense of the Yellowstone river compact, two thousand five hundred dollars ..... $ 2,500.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For salaries and expenses for administrative purposes, sixty-five thousand dollars ..... $ 65,000.00

For salaries and expenses for the revolving fund, one hundred ten thousand dollars $110,000.00

For public employees retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For betterments and repairs to present projects and for new projects as may be determined by the water conservation board, eight hundred forty-five thousand dollars $845,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

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STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act as provided in Sections 2815.153 and 2815.154 Revised Codes of Montana 1935.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 2815.50 Revised Codes of Montana 1935.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 3. That the following sums, or so much thereof as may be found necessary be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1950, and ending June 30, 1951.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars .....$ 500.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, five thousand eight hundred dollars .....$ 5,800.00

For public employees retirement system, eighty dollars $ 80.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salaries, thirteen thousand dollars .....$ 13,000.00

For capital, repairs and replacements, one thousand dollars .....$ 1,000.00

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For operation, three thousand four hundred fifty dollars ..... $ 3,450.00

For public employees retirement system, four thousand dollars ..... $ 4,000.00

MATERNAL AND CHILD HEALTH

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars .... $ 15,000.00

PURE FOOD DIVISION

FROM THE GENERAL FUND

For salaries and expenses, sixteen thousand dollars .... $ 16,000.00

SANITARY ENGINEERING

FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand five hundred dollars ..... $ 14,500.00

EPIDEMIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

For venereal disease control, four thousand dollars ..... $ 4,000.00

VITAL STATISTICS

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars ..... $ 12,000.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars ..... $ 10,000.00

CRIPPLED CHILDREN AND CHILDREN WITH RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, fifty-three thousand five hundred dollars ..... $ 53,500.00

In addition thereto, there is hereby appropriated any money that

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may be received from the federal government to be used as provided in the grant.

DENTAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars .....$ 9,000.00

TUBERCULOSIS CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty thousand dollars .....$ 30,000.00

BLOOD BANK

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars .....$ 500.00

NARCOTICS EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars .....$ 5,000.00

HOSPITAL SURVEY

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars .....$ 7,500.00

HOSPITAL STANDARDS

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars .....$ 7,500.00

HYGIENIC LABORATORY

FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand dollars $ 17,000.00

COUNTY HEALTH CENTERS

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars .....$ 25,000.00

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BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, seven thousand five hundred dollars ....$ 7,500.00

FROM THE MILLAGE FUND

For expenses, four hundred forty dollars .....$ 440.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, two thousand seven hundred dollars .....$ 2,700.00

VISUAL EDUCATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, eighteen thousand dollars ....$ 18,000.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, sixty-one thousand four hundred sixteen dollars .....$ 61,416.00

In addition to the foregoing amounts, all income from federal funds known as vocational United States aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the University of Montana from the above general fund appropriations.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, nine thousand four hundred forty-five dollars .....$ 9,445.00

For public employees retirement system, one hundred eighty dollars .....$ 180.00

APICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four thousand eight hundred twenty-five dollars .....$ 4,825.00

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STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost of the state for administration on the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessry to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law. In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For salary of custodian, one thousand two hundred dollars ..... $ 1,200.00

For expenses, fifty-seven dollars and fifty cents ..... $ 57.50

MILK CONTROL BOARD

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand one hundred forty dollars ..... $ 13,140.00

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For public employees retirement system, one hundred thirty-five dollars ..... $ 135.00

provided, however, that no claim shall be made from this appropriation which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD
FROM THE GENERAL FUND

For salaries and expenses, six thousand three hundred dollars ..... $ 6,300.00

For public employees retirement system, one hundred fifty-two dollars ..... $ 152.00

STATE BOARD OF FORESTRY
FROM THE GENERAL FUND

For salaries and expenses, fifteen hundred dollars ..... $ 1,500.00

RURAL FIRE FIGHTERS SERVICE
FROM THE GENERAL FUND

For salaries and expenses, two thousand two hundred fifty dollars ..... $ 2,250.00

UNEMPLOYMENT COMPENSATION
COMMISSION OF MONTANA
FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, fifteen thousand dollars ..... $ 15,000.00

FROM THE UNEMPLOYMENT COMPENSATION
BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICKNESS AND
DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

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STATE HIGHWAY PATROL

FROM THE GENERAL FUND

For administrative salaries, thirty-three thousand seven hundred eighty dollars ..... $ 33,780.00

For salaries of highway patrolmen, two hundred twenty-four thousand seven hundred sixty dollars $224,760.00

For salaries of additional patrolmen, eight thousand one hundred dollars ..... $ 8,100.00

For public employees retirement system, one thousand two hundred dollars ..... $ 1,200.00

For operation, one hundred forty-six thousand four hundred five dollars $146,405.00

For capital, thirty-eight thousand six hundred fifty dollars ..... $ 38,650.00

For repairs and replacements, five hundred twenty five dollars ..... $ 525.00

DRIVERS' EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries, forty-six thousand one hundred forty dollars ..... $ 46,140.00

For operation, capital, repairs and replacements, thirty-nine thousand six hundred fifty dollars ..... $ 39,650.00

For public employees retirement system, six hundred thirty dollars ..... $ 630.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

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FIRE INSURANCE

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, seventeen thousand five hundred dollars ..... $ 17,500.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, twenty thousand dollars ..... $ 20,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, five thousand dollars ..... $ 5,000.00

FROM THE MOTOR RECORDING FUND

For premiums on insurance for the motor vehicle departments, two hundred dollars ..... $ 200.00

VETERANS WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty thousand dollars $150,000.00

STATE FORESTER ADMINISTRATION

FROM THE GENERAL FUND

For salaries, sixteen thousand six hundred dollars ..... $ 16,600.00

For capital, repairs and replacements, two thousand one hundred fifty dollars ..... $ 2,150.00

For operation, two thousand three hundred twenty dollars ..... $ 2,320.00

For public employees retirement system, one thousand five hundred sixty-five dollars ..... $ 1,565.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For salaries and expenses, twenty-seven thousand dollars ..... $ 27,000.00

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TIMBER SALES

FROM THE GENERAL FUND

For salaries and expenses, thirty-nine thousand six hundred dollars ..... $ 39,600.00

STATE FORESTRY NURSERY

FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

In addition to the above appropriations for the state forester, there is hereby appropriated all money received from the federal government or trusts to be used for the purposes for which they were provided.

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For salaries, fifteen thousand two hundred eighty dollars ..... $ 15,280.00

For capital, repairs and replacements, four hundred seventy-five dollars ..... $ 475.00

For operation, one thousand three hundred thirty dollars ..... $ 1,330.00

For public employees retirement system, six hundred fifty dollars ..... $ 650.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, four thousand eight hundred dollars ..... $ 4,800.00

For capital, repairs and replacements, three hundred twenty-five dollars ..... $ 325.00

For operation, six hundred twenty dollars ..... $ 620.00

For public employees retirement system, one hundred seventy-five dollars ..... $ 175.00

STATE ENGINEER

FROM THE GENERAL FUND

For salaries, six thousand one hundred fifty dollars .... $ 6,150.00

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For operation, capital, repairs and replacements, two thousand nine hundred eighty-seven dollars ..... $ 2,987.00

For public employees retirement system, one thousand four hundred fifty dollars ..... $ 1,450.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, eighteen thousand two hundred twenty dollars ..... $ 18,220.00

SURVEY OF INTERSTATE WATERS AND WATER RESOURCES SURVEY

FROM THE GENERAL FUND

For salaries and expenses, fifty-four thousand nine hundred fifty dollars ..... $ 54,950.00

For survey of international and water rights, two thousand five hundred dollars ..... $ 2,500.00

CAREY LAND ACT

FROM THE GENERAL FUND (TO SUPPLEMENT CAREY LAND ACT FUND)

For salaries and expenses, five thousand nine hundred sixty-five dollars ..... $ 5,965.00

FROM THE CAREY LAND ACT FUND

In addition, all revenue received or to be received, is hereby appropriated for the purpose for which the fund is established.

For necessary expense of the Yellowstone river compact, two thousand five hundred dollars ..... $ 2,500.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For salaries and expenses for administrative purposes, sixty-five thousand dollars ..... $ 65,000.00

For salaries and expenses for the revolving fund, one hundred ten thousand dollars $110,000.00

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For public employees retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For betterments and repairs to present projects and for new projects as may be determined by the water conservation board, seven hundred ten thousand dollars $710,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act as provided in Sections 2815.153 and 2815.154 Revised Codes of Montana 1935.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 2815.50 Revised Codes of Montana 1935.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 7, 1949.

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HOUSE BILL NO. 450

An Act Appropriating Money to the Attorney General for the Purpose of Law Enforcement and Declaring An Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of $40,000.00, or so much thereof as may be necessary, to the attorney general, for the purpose of investigating and prosecuting civil and criminal actions which he may, in his discretion, find necessary in connection with the matters disclosed by the special liquor investigating committees appointed during the 31st legislative assembly, and further, for the purpose of enforcing the gambling, slot machine and other criminal laws of the State of Montana.

Section 2. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1949.

HOUSE BILL NO. 451

An Act Making Appropriations for the State Public School General Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1949, and Ending June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with the provisions of the law, provided, however, that no part of such funds shall be distributed prior to December 2, 1949, for the period beginning July 1, 1949, and ending June 30, 1950, the following amount:

FROM THE GENERAL FUND

Four million three hundred thousand dollars .....$ 4,300,000.00

Section 2. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed

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in accordance with the provisions of the law, for the period beginning July 1, 1950, and ending June 30, 1951, the following amount:

FROM THE GENERAL FUND

Four million three hundred thousand dollars .....$ 4,300.000.00

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 7, 1949.

HOUSE MEMORIAL NO. 1

A House Memorial to the President of the United States, Harry S. Truman; Senator James E. Murray, Senator Zales N. Ecton, Congressmen Mike Mansfield and Wesley D'Ewart; Senator Joseph C. O'Mahoney, Chairman of the Senate Committee on Public Lands; Julius Krug, Secretary of the Interior; and Michael Straus, Commissioner of Reclamation; Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations Be Provided the Bureau of Reclamation for the Immediate Construction of Yellowtail Dam Located in Big Horn County in Southern Montana.

WHEREAS, Yellowtail dam site is located in Big Horn county, in southeastern Montana, and Yellowtail dam will be constructed across the Big Horn river, about three-fourths of a mile above the mouth of Big Horn canyon — thirty-five miles southwest of Hardin, Montana, and

WHEREAS, Big Horn canyon is the passageway of the Big Horn river between the northern end of the Big Horn mountains and the Pryor mountains. For more than fifty miles Yellowtail reservoir will lie within the rugged, inaccessible canyon, the steep walls of which tower hundreds of feet above the narrow and winding river bed, forming a natural damsite of unique splendor that will in future years provide Montana and Wyoming with one of the greatest lake-recreation areas in the western hemisphere, and

WHEREAS, the United States bureau of reclamation was authorized by Section 9 of the flood control act of 1944, as a part of the Missouri river basin project to prepare preliminary surveys and construction of Yellowtail dam, and

WHEREAS, the bureau of reclamation has practically completed

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preconstruction work at the site of Yellowtail dam. Design specifications for the dam and power plant have been started. Surveys have been made of the irrigable area, and transmission line location, and plans are ready or completed for construction of access roads, construction camp and other essential base work necessary before actual construction is undertaken, and

WHEREAS, Yellowtail dam is being designed to provide for irrigation, hydro-electric power production, flow control, silt retention, conservation of fish and wild life, recreational development and other related beneficial uses of value to all mankind, and

WHEREAS, construction of Yellowtail dam will make possible the irrigation of 45,000 acres of new land along the Big Horn river from the Big Horn canyon to approximately ten miles north of the city of Hardin, and supplemental irrigation water for large areas now inadequately served will be also provided. Because irrigation of lands along the Big Horn, Powder and Yellowstone rivers is dependent upon pumping, a source of low cost power is pre-requisite. Construction of Yellowtail power plant will make possible the irrigation of many proposed and desirable projects along these three valuable but presently little utilized rivers, and

WHEREAS, construction of Yellowtail dam offers a priceless solution for the equitable interstate use of the waters of the Big Horn by the creation of the Yellowtail reservoir on the Montana-Wyoming state line, and

WHEREAS, power generating facilities to be constructed at the dam will have an installed capacity of at least 120,000 kilowatts, and will produce about 712,200,000 kilowatt-hours of electrical energy annually. The said power produced at Yellowtail dam will be used for irrigation pumping, and will serve as a part of the bureau of reclamation's power system constructed to provide power for construction of other developments and to supply surplus power to principal load centers to permit its use by new and old industries and residents of the area, and

WHEREAS, the Big Horn river is the greatest silt offender in the entire Yellowstone river system. Retention of silt behind Yellowtail dam will be of material benefit, and

WHEREAS, fish and wild life resources will gain by the dam, fishing and hunting, as well as the many allied recreational opportunities that will follow, will be of immense value to Montana and Wyoming, and

WHEREAS, Yellowtail dam as planned will be a concrete arch-

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type structure towering some 499 feet above the river bed, and will have a crest length of 1,480 feet, and will have a storage capacity of 1,366,000 acre-feet, and

WHEREAS, the construction of said Yellowtail dam will attract new industries into southern Montana, and thereby be of great benefit to the entire State of Montana, as well as the entire nation, by supplying cheap electricity for industrial and home use, and this post war period is the time to develop such industries, and

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the State of Montana, that the congress of the United States of America be respectfully urged and requested to make sufficient funds available immediately for the construction of Yellowtail dam in Big Horn county in southern Montana.

BE IT FURTHER RESOLVED, that a copy of this memorial be submitted by the secretary of state of the State of Montana to the presiding officers of both houses of the national congress — Alben Barkley and Sam Rayburn —, to the chairman of the appropriations committee of the house of representatives in Washington, D. C., to the commissioner of the bureau of reclamation, the commissioner of the bureau of Indian affairs, the secretary of the interior, the governor of the State of Wyoming, and the presiding officers of both houses of the Wyoming state legislature; and to each of the senators and representatives in the congress of the United States from the States of Montana and Wyoming.

Governor's approval not required.

HOUSE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, the Honorable Charles F. Brannan, Secretary of Agriculture, Honorable J. A. Krug, Secretary of the Interior, Honorable James E. Murray and the Honorable Zales N. Ecton, United States Senators From Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, Representatives From Montana, for an Act of Congress or Such Other Authority as May be Necessary to Allow Veterans of World War II Just Concluded, to Acquire Submarginal Lands From the Department of Agriculture or the Department of the Interior Which Have Been Acquired Under an Act of Congress Dated June 29, 1934, Known as Chapter 865 (48 Stat. 1265-1275) and an Act of Congress Dated July 22,

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1937, Known as Chapter 517 Title III Section 32 (50 Stat. 525-526).

WHEREAS, under an act of congress dated June 29, 1934, known as Chapter 865 (48 Stat. 1265-1275) and an act of congress dated July 22, 1937, known as Chapter 517 Title III, Section 32 (50 Stat. 525-526) the secretary of agriculture acquired enormous acreages of land in Montana designated as submarginal lands to develop a program of land conservation and land utilization; and

WHEREAS, a considerable amount of this land was acquired on Indian Reservations from the secretary of interior, and a considerable amount from individual land owners in agricultural sections of the State of Montana. Taking this land from private ownership has resulted in a distinct hardship to the political sub-divisions of the State of Montana.

WHEREAS, it is the considered judgment of your memorializers that a great portion of the lands so acquired by the secretary of agriculture are not necessarily submarginal lands but are good agricultural lands which may be utilized for agricultural purposes in Montana to good advantage; and

WHEREAS, veterans of World War II are unable to acquire agricultural lands in Montana, particularly those owned by the United States under the acts of congress referred to above; and

WHEREAS, it would be of great advantage to the people of Montana as well as to the veterans of World War II that such agricultural veterans be afforded an opportunity of acquiring such lands.

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives, the senate concurring, that the Montana legislative assembly urges the congress of the United States to enact such legislation as shall enable veterans of World War II to acquire agricultural lands owned by the United States government, in economical units, or a part of an economical unit, under the submarginal program referred to above at valuations deemed reasonable by the United States government.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted to the Honorable Charles F. Brannan, secretary of agriculture, Honorable J. A. Krug, secretary of the interior, the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators from Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives from Montana.

Approved February 7, 1949.

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HOUSE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Registrar of Motor Vehicles of the State of Montana, Urging That Said Registrar Use Every Effort to Obtain Ample Material for the Manufacture and Distribution of Two (2) License Plates for All Automobiles and Trucks On Which a License Fee Has Been Paid.

WHEREAS, for the past number of years the registrar of motor vehicles of the State of Montana has been issuing only one (1) license plate for all automobiles and trucks on which a license fee has been paid; and

WHEREAS, a great advantage to the owners of such vehicles, and the public generally, and a considerable amount of publicity for the State of Montana can be had through the issuance of two (2) license plates for all automobiles and trucks on which a license fee has been paid; and

WHEREAS, it is the considered judgment of your memorializers that each automobile and truck should display one (1) license plate on the front and one (1) license plate on the rear of such vehicles as required by Section 1759.5, Revised Codes of Montana, 1935, as amended by Chapter 154, Session Laws, 1937, and by Chapter 73, Session Laws, 1941.

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives, the senate concurring, that the Montana legislative assembly urges the registrar of motor vehicles of the State of Montana to use every effort to obtain ample material for the manufacture and distribution of two (2) license plates for all automobiles and trucks, on which a license fee has been paid.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted to the registrar of motor vehicles of the State of Montana.

Approved February 3, 1949.

HOUSE JOINT MEMORIAL NO. 4

A Memorial to the Congress of the United States of America, to the Honorable United States Senators James E. Murray and Zales N. Ecton, and to the Honorable Representatives in Congress Mike Mansfield and Wesley A. D'Ewart, Requesting the 81st Congress

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Introduce and Pass the Veterans' Economic Development Act Which Was Embodied in H. R. 521 and S. 1652 in the 80th Congress.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the 80th congress of the United States had in mind legislation which would help both the veteran and non-veteran and which if passed would have brought new business to the State of Montana but which said legislation unfortunately was not passed,

NOW, THEREFORE, BE IT RESOLVED: that the house of representatives of the 31st legislative assembly of the State of Montana, the senate of said assembly concurring, does most respectfully urge the 81st congress of the United States that the said congress cause necessary action to be initiated whereby the veterans' economic development act which was embodied in H. R. 521 and S. 1652 in the 80th congress will be again introduced as an act and passed by the 81st congress of the United States.

BE IT FURTHER RESOLVED, that duly attested copies of this memorial be transmitted to both houses of congress, to the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators for the State of Montana and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, United States representatives in congress for the State of Montana.

Approved February 21, 1949.

HOUSE JOINT MEMORIAL NO. 5

A Joint Memorial to the President of the United States, and to the Honorable James E. Murray and the Honorable Zales N. Ecton, Senators From the State of Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, Congressmen From the State of Montana, for Appropriate Action to Alleviate the Shortage of Tubular Goods and Steel Necessary for the Development of Montana's Oil and Gas Resources, and for the End of Discrimination Against Montana by the Shipment of Steel and Tubular Goods to Foreign Countries for the Development of Oil and Gas Resources in Such Foreign Countries, and the End of the "Gray Market" in Steel.

WHEREAS, there are vast undeveloped oil and gas resources as well as vast proven oil and gas fields in Montana; and

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WHEREAS, during the past three years explorations for oil and gas in Montana have been seriously curtailed and hampered due to the difficulty, and sometimes impossibility, of obtaining the casing and pipe necessary and required for such development work in proven and wildcat oil areas; and

WHEREAS, this situation has resulted in what has been termed the "gray market" and exorbitant prices for steel tubular goods; and

WHEREAS, the ratio of oil discoveries and development of new production has been in almost exact proportion to the amount of pipe and casing obtainable and used; and

WHEREAS, the steel industry is unable to furnish tubular goods in sufficient quantity to meet the needs and demands of Montana producers in the ordinary channels of trade because of the desire of certain interests to exploit foreign oil resources at the expense of development within the borders of the United States, and has permitted and caused the exportation of thousands of tons of vital steel for the use and development of the oil fields of Saudi Arabia and in other parts of the world outside of the borders of the United States, and

WHEREAS, the situation is retarding the explorations and development of Montana oil and gas resources,

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-first legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the president of the United States and Montana's representatives in the congress of the United States to take appropriate action to remove any discrimination which may exist against the oil operators of Montana, to the end that an adequate supply of tubular goods be made available in the regular channels of trade, and that conditions be corrected which retard the exploration for oil and gas within the borders of the United States and the State of Montana, so that the "gray market" in steel will not be necessary or possible.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the chief clerk of the house of representatives, to the president of the United States, and to the Honorable James E. Murray and the Honorable Zales N. Ecton, senators from Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives in congress from Montana.

Approved February 7, 1949.

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HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial to the President and Congress of the United States, Requesting the Introduction and Enactment of Appropriate Legislation for Appropriation of Funds by the First Session of the Eighty-first Congress for the Building of the Custer Battlefield Museum, at Custer Battlefield National Monument, Montana.

WHEREAS, the director of the bureau of the budget has recommended the sum of ninety-six thousand dollars ($96,000.00) be appropriated in the 1950 fiscal year funds for a memorial museum to be erected on the site of Custer battlefield national monument; and

WHEREAS, Custer battlefield is one of the most prominent patriotic shrines in American history, the site where General Custer and 262 men of his gallant regiment were slain at the battle of the Little Bighorn river, June 25-26, 1876, also known as "Custer's last battle"; and

WHEREAS, the purpose of the Custer battlefield national monument is to preserve for all time the memorable ground of this great conflict and to present for public benefit the chapter it has to tell in the story of the westward advance of our settlements in the northwest. It is necessary that a museum be erected on this battlefield site to properly care for, display and maintain the many valuable historical artifacts, relics and mementos pertaining to the battle that are now in storage awaiting the opportunity of proper care and display that only a museum can offer.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-first legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States, that the act of August 10, 1939, "To provide for the erection of a public historical museum in the Custer battlefield national cemetery, Montana", (Public No. 362 — Chapter 634 — 76th congress, 1st session) signed by the president of the United States, to pass legislation for funds as mentioned in the 1950 fiscal year estimates, for the erection of this museum.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the chief clerk of the house of representatives, to the president of the United States, to the president pro tempore of the senate of the United States, to the speaker of the house of representatives of the United States, and to the Honorable James E. Murray and the Honorable Zales N. Ecton, Senators from Montana,

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and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives in congress from Montana.

Approved February 25, 1949.

HOUSE JOINT MEMORIAL NO. 9

A Joint Memorial of the House of Representatives and the Senate of the State of Montana, to the Congress of the United States, to the Honorable United States Senators James E. Murray and Zales N. Ecton, and to the Honorable Representatives in Congress, Mike Mansfield and Wesley A. D'Ewart, Relating to Veterans' Housing.

WHEREAS, we have been informed that Raymond M. Foley, federal housing administrator, has told you that the nation needs some eighteen million (18,000,000) new dwellings in the next ten years; and

WHEREAS, a portion of that need for new housing exists among veterans in the State of Montana; and

WHEREAS, many of the citizens and the residents of the State of Montana believe that the need for furnishing assistance to these veterans in building homes for themselves and families is of paramount importance to the welfare of this state,

NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that this legislature respectfully petition the congress of the United States to pass legislation at the earliest possible moment which will aid and assist veterans in building homes for themselves and their families.

BE IT FURTHER RESOLVED, that immediately upon passage, a copy of this memorial be forwarded to the Honorable James E. Murray, and the Honorable Zales N. Ecton, senators from the State of Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives in congress from Montana, by airmail.

Approved February 25, 1949.

HOUSE RESOLUTION NO. 3

A House Resolution Memorializing and Requesting the Congress of the United States for the Enactment of Legislation to Aid the

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State of Montana in the Enforcement of the Cigarette Tax Now Evaded by the Use of the United States Mails.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the members of the house of representatives of the thirty-first legislative assembly of the State of Montana now convened in regular session, respectfully request:

WHEREAS, the State of Montana has imposed a tax on the sale and use of cigarettes within its boundaries, and the revenues so obtained constitute a substantial portion of the revenues available and needed for its functions of government; and

WHEREAS, it has been brought to the attention of the house of representatives of the State of Montana, now in regular session assembled, that a large and growing system of evasion of such tax law has developed; that the United States mails are flooded with advertisements and inducements to the citizens of this state to violate the law; that in numerous instances such advertisers entice prospective customers with statements to the effect that the use of the United States mails is sufficient proof of the legitimacy of such business and such system; that the mails of the United States are flooded with cigarettes in the process of delivery within this state, and on which cigarettes the tax required by the laws of the state have not and will not be paid; that this state is seriously injured and damaged in the loss of revenue from this source, and is at a disadvantage in collecting such lawful tax by and through such system; that the mails of the United States are being used for the express purpose of evading such tax and the enforcement of the laws of the state; and

WHEREAS, it has been brought to the attention of the house of representatives of the State of Montana that there is now pending before the congress of the United States a proposed bill which will aid the states by requiring shippers of cigarettes in interstate commerce to furnish to the taxing authority of the state to which shipped, a copy of the invoice on each shipment and the name and address of each person to whom shipped; and

WHEREAS, such legislation by the congress of the United States will greatly aid this and the other states of the union in the enforcement of its laws, and the collection of needed revenue;

NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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That the congress of the United States be and the same is hereby memorialized and respectfully urged to enact legislation requiring shippers of cigarettes in interstate commerce to furnish to the taxing authority of the state to which shipped a copy of the invoice on each such shipment; or to enact such other legislation as will aid the several states affected as may be proper;

BE IT FURTHER RESOLVED:

That a copy of this resolution be transmitted by the secretary of state of the State of Montana to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana and they and each of them be requested to use all honorable means within their power and offices to bring about the enactment of legislation as herein mentioned.

Approved: No approval required.

HOUSE RESOLUTION NO. 6

A Resolution of the House of Representatives of the State of Montana to the President of the United States and the Congress of the United States Requesting That the Federal Congress Enact Suitable Legislation to Grant Full Citizenship to the Competent Indians:

WHEREAS, Indian war veterans and non-veterans of the several Indian reservations of the State of Montana have requested the help of this legislative assembly in urging the congress of the United States to enact suitable legislation to enable the Indian to enjoy the rights, duties and privileges of full citizenship; and

WHEREAS, a large majority of the Indians of Montana have now reached or attained educational standards that fit them to manage their own affairs; and

WHEREAS, individual allotments are now held in trust by the government of the United States irrespective of the competency of the Indian; and

WHEREAS, many Indians are now, and have been for many years engaged in various occupations and trades, both on and off the reservations, but are still carried on the rolls of the several reservations as wards of the government, and as such denied the right to operate their own business, to obtain loans on their lands, or to sell or dispose of the same, and in like manner, Indian veterans are now

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denied the right to obtain G. I. loans on their lands, thus depriving them of the benefits offered other veterans by the veterans' administration; and

WHEREAS, the present policy of the bureau of Indian affairs, in interpreting the status of the Indian under the existing acts of congress tend to restrict rather than advance the self-reliant capabilities of the Indian;

NOW THEREFORE BE IT RESOLVED, by the house of representatives of the thirty-first legislative assembly of the State of Montana, that we expressly urge the congress of the United States to enact proper legislation to enable the competent Indians to enjoy all the rights, duties and privileges of full citizenship now enjoyed by all other citizens of the United States of America.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the chief clerk of the house of representatives to the president of the United States, to the president pro tempore of the senate of the United States, to the speaker of the house of representatives of the United States, and to the Honorable James E. Murray and Zales N. Ecton, senators from Montana, and the Honorable Mike Mansfield and Wesley A. D'Ewart, representatives in congress from Montana, and to Julius A. Krug, secretary of the interior, and to the commissioner of Indian affairs.

Approved: No approval required.

HOUSE JOINT RESOLUTION NO. 1

A Joint Resolution Relative to Designation of Certain Highways as Blue Star Memorial Highways.

WHEREAS, there is presently under way a movement, sponsored by Living Memorials of the National Council of State Garden Clubs, Incorporated, to have certain highways officially designated as blue star memorial routes in commemoration of those who served in World War II; and

WHEREAS, it is reported that twenty-three (23) states have designated certain routes as blue star memorial routes and that several other state legislatures shortly will be selecting and designating certain routes for like purposes; and

WHEREAS, the Montana Federation of Garden Clubs and affiliated clubs, through their officers and members, are urging that certain routes be designated as blue star memorial routes, so that

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they may proceed with their program of planting and landscaping as living memorials, in cooperation with the state highway department; and

WHEREAS, the blue star system is not conceived as a continuous planting, leaving it to each state to establish its own preferred type of living memorial, by utilizing native materials in the way best suited to its own environment; and

WHEREAS, it is felt at this time that there should be one north-and-south and one east-and-west route selected and designated;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-first legislative assembly of the State of Montana, the senate concurring, that highway route number ten (10), from the eastern boundary of the state through Helena and to the western boundary of the state, be designated as the east-and-west route, and that highway number ninety-one (91) from Monida to Butte, thence highway numbers ten (10) and ten S (10S) from Butte through Deer Lodge to the junction of highway number ninety-three (93) west of Missoula, thence highway number ninety-three (93) north to the Canadian line, be designated as the north-and-south route, and that these two routes be selected and designated as blue star memorial routes in Montana, it being understood and agreed that such designation does not preclude the selection and designation of other and additional routes as may be desired in the future.

Approved February 11, 1949.

HOUSE JOINT RESOLUTION NO. 2

A Joint Resolution Requesting the Registrar of Motor Vehicles of the State of Montana to Exercise Its Reciprocal Agreement Power in Relation to Registration and Licensing of Motor Vehicles.

BE IT RESOLVED by the house of representatives of the 31st legislative assembly of the State of Montana, the senate concurring:

WHEREAS, under Montana laws and practices, the registration and licensing of motor vehicles within the state does not open until January 1st, and

WHEREAS, the laws of other states, particularly California, Oregon and Washington require that both resident and non-resident motor vehicles have and display the license plates for the current year by January 1st; and

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WHEREAS, it is impossible for any resident of Montana, traveling on or shortly after January 1st in any of these states, to have his current license plate displayed on his motor vehicle at that time,

NOW, THEREFORE, BE IT RESOLVED by the house of representatives, the senate concurring, that the 31st Montana legislative assembly request the registrar of motor vehicles of the State of Montana to exercise its reciprocal agreement power, as provided by Section 1760.7, Revised Codes of Montana, 1935, as amended by Chapter 93, Session Laws, 1939, and Chapter 296, Session Laws, 1947, so that Montana motorists may be exempt from registration and licensing in another state until February 1st and also be further exempt from displaying Montana license plates for the current year until February 1st.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted to the registrar of motor vehicles of the State of Montana.

Approved February 21, 1949.

HOUSE JOINT RESOLUTION NO. 3

A Joint Resolution Designating the Ponderosa Pine as the State Tree of Montana.

BE IT RESOLVED by the house of representatives of the thirty-first legislative assembly of the State of Montana, the senate concurring:

WHEREAS, the State of Montana, in the "land of the shining mountains," is well known for its beautiful mountains and trees; and

WHEREAS, there has heretofore been no official designation of any species of tree as the state tree of Montana, except that the state forester has referred to the Ponderosa pine as the tree most typical of Montana, it being considered to be the best commercial tree and being referred to as the "king of the forests"; and

WHEREAS, the Montana Federation of Garden Clubs and affiliated clubs, through their officers and members, are urging that there be an official designation of the Ponderosa pine as the state tree, so that it may be referred to and pictured in publicity in the same manner as the state flower.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-first legislative assembly of the State of

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Montana, the senate concurring, that the Ponderosa pine be selected and is hereby designated as the official state tree of Montana.

Approved February 21, 1949.

HOUSE JOINT RESOLUTION NO. 4

A Resolution Memorializing the Congress of the United States for the Passage of Legislation Providing for the Liquidation of the Trusts Under the Transfer Agreements With State Rural Rehabilitation Corporations, Similar to House Resolution No. 5905, Introduced by Representative Cooley in the Second Session of the Eightieth Congress of the United States, So as to Enable the State of Montana to Have Returned to It Monies and Properties Transferred in Trust On or About April 30, 1937.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the members of the thirty-first legislative assembly of the State of Montana, the house and senate concurring, respectfully represent that

WHEREAS, on or about April 30, 1937, the Montana Rural Rehabilitation Corporation entered into an agreement with the United States department of agriculture whereby all the assets of the said Montana Rural Rehabilitation Corporation were transferred in trust to said United States department of agriculture; and

WHEREAS, according to the last trial balance which was prepared by the farmers home administration area finance officer in Denver, Colorado, dated December 31, 1948, the assets of said Montana Rural Rehabilitation Corporation amounted to six hundred ninety-two thousand three hundred fifty-nine dollars and thirty-four cents ($692,359.34); and

WHEREAS, the State of Montana is now particularly anxious to have the trust liquidated and the money and property returned to it.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the State of Montana, the senate concurring, that we do hereby petition the congress of the United States of America for the passage of an act similar to house resolution No. 5905 introduced by Representative Cooley in the second session of the eightieth congress of the United States.

BE IT FURTHER RESOLVED, that a copy of this memorial be

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transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana, and that they, and each of them, be requested to use all honorable means within their power to bring about the enactment of legislation similar to the aforesaid mentioned house resolution No. 5905.

Approved February 25, 1949.

SENATE MEMORIAL NO. 2

WHEREAS, Yellowtail dam site is located in Big Horn county, in southeastern Montana, and Yellowtail dam will be constructed across the Big Horn river, about three-fourths of a mile above the mouth of Big Horn canyon — thirty-five miles southwest of Hardin, Montana, and

WHEREAS, Big Horn canyon is the passageway of the Big Horn river between the northern end of the Big Horn mountains and the Pryor mountains. For more than fifty miles Yellowtail reservoir will lie within the rugged, inaccessible canyon, the steep walls of which tower hundreds of feet above the narrow and winding river bed, forming a natural damsite of unique splendor that will in future years provide Montana and Wyoming with one of the greatest lake-recreation areas in the western hemisphere, and

WHEREAS, the United States bureau of reclamation was authorized by Section 9 of the flood control act of 1944, as a part of the Missouri river basin project to prepare preliminary surveys and construction of Yellowtail dam, and

WHEREAS, the bureau of reclamation has practically completed pre-construction work at the site of Yellowtail dam. Design specifications for the dam and power plant have been started. Surveys have been made of the irrigable area, and transmission line location, and plans are ready or completed for construction of access roads, construction camp and other essential base work necessary before actual construction is undertaken, and

WHEREAS, Yellowtail dam is being designed to provide for irrigation, hydro-electric power production, flood control, silt retention, conservation of fish and wild life, recreational development and other related beneficial uses of value to all mankind, and

WHEREAS, construction of Yellowtail dam will make possible

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the irrigation of 45,000 acres of new land along the Big Horn river from the Big Horn canyon to approximately ten miles north of the city of Hardin, and supplemental irrigation water for large areas now inadequately served will be also provided. Because irrigation of lands along the Big Horn, Powder and Yellowstone rivers is dependent upon pumping, a source of low cost power is a pre-requisite. Construction of Yellowtail power plant will make possible the irrigation of many proposed and desirable projects along these three valuable but presently little utilized rivers, and

WHEREAS, construction of Yellowtail dam offers a priceless solution for the equitable interstate use of the waters of the Big Horn by the creation of the Yellowtail reservoir on the Montana-Wyoming state line, and

WHEREAS, power generating facilities to be constructed at the dam will have an installed capacity of at least 120,000 kilowatts, and will produce about 712,200,000 kilowatt-hours of electrical energy annually. The said power produced at Yellowtail dam will be used for irrigation pumping, and will serve as a part of the bureau of reclamation's power system constructed to provide power for construction of other developments and to supply surplus power to principal load centers to permit its use by new and old industries and residences of the area, and

WHEREAS, the Big Horn river is the greatest silt offender in the entire Yellowstone river system, retention of silt behind Yellowtail dam will be of material benefit, and

WHEREAS, fish and wild life resources will gain by the dam, fishing and hunting, as well as the many allied recreational opportunities that will follow will be of immense value to Montana and Wyoming, and

WHEREAS, Yellowtail dam as planned will be a concrete arch-type structure towering some 499 feet above the river bed, and will have a crest length of 1,480 feet, and will have a storage capacity of 1,366,000 acre-feet, and

WHEREAS, the construction of said Yellowtail dam will attract new industries into southern Montana, and thereby be of great benefit to the entire State of Montana, as well as the entire nation, by supplying cheap electricity for industrial and home use and this post war period is the time to develop such industries, and

NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana, that the congress of the United States of America

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be respectfully urged and requested to make sufficient funds available immediately for the construction of Yellowtail dam in Big Horn county in southern Montana.

BE IT FURTHER RESOLVED, that a copy of this memorial be submitted by the secretary of state of the State of Montana to the presiding officers of both houses of the national congress — Alben Barkley and Sam Rayburn —, to the chairman of the appropriations committee of the house of representatives in Washington, D. C., to the commissioner of the bureau of reclamation, the commissioner of the bureau of Indian affairs, the secretary of the interior, the governor of the State of Wyoming, and the presiding officers of both houses of the Wyoming state legislature; and to each of the senators and representatives in the congress of the United States from the States of Montana and Wyoming.

Approved: No approval required.

SENATE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States of America and to the Honorable James E. Murray and Zales N. Ecton, United States Senators From Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, Representatives in Congress From Montana, Requesting Consideration of the Gold Mining Industry and the Enactment of Suitable Legislation by the Congress to Insure a Substantial Increase in the Price of Gold.

WHEREAS, the gold mining industry formerly occupied an important place in the economy of Montana as well as that of many other western states; and

WHEREAS, at the start of World War II, the war production board ordered the gold mines closed to assist in the war effort and, after the war, many of these mines, which had been closed during the period of the war, made an effort to resume operations, although fully cognizant of the fact that the general costs of gold mining have increased in excess of one hundred percent since the order to close was issued, and as a result the industry found that gold could not be produced at the fixed price of thirty-five dollars ($35.00) an ounce, and as a result many of these gold mines are now closed and cannot reopen unless there is a substantial increase in the price of gold;

NOW, THEREFORE, BE IT RESOLVED by the thirty-first legis-

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lative assembly of Montana, now in session, the senate and house of representatives concurring, that we do most earnestly pray that careful consideration be given by the congress of the United States to the present condition of the gold mining industry with a view to securing a substantial increase in the price of gold. To that end, we respectfully suggest that a free market for gold be allowed or that an increased price be paid for newly mined gold to bring it up to a level comparable with the 1942 prices.

BE IT FURTHER RESOLVED that copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States and to the senators and representatives in congress from the State of Montana.

Approved February 25, 1949.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Public Roads Administration of the Federal Works Agency, Petitioning That Said Administration Exert Its Best Offices to the End That the Construction of the Bridge On Federal Aid Route No. 16, Across the Missouri River At or Near Power Plant Ferry May Be Expedited.

To the Public Roads Administration of the Federal Works Agency:

WHEREAS, under and by virtue of the provisions of the federal aid highway act of 1916, and subsequent amendments thereof, there was approved what has been designated federal aid route No. 16, authorizing the construction of a federal aid highway extending from the city of Malta, Montana, through Fergus county, Montana, which project included the construction of a bridge across the Missouri river, at or near the Power Plant ferry, and,

WHEREAS, the construction of said bridge is lagging to the serious detriment of the traveling public as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the thirty-first legislative assembly of the State of Montana, the senate and house concurring, does hereby request and petition that the public roads administration of the federal works agency exert its best offices to the end that the construction of the bridge over the Missouri river, at or near Power Plant ferry may be expedited, and,

BE IT FURTHER RESOLVED, that a copy of this memorial be

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sent to the senators and representatives of Montana in congress, also to the public roads administration of the federal works agency.

Approved: February 25, 1949.

SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States and to the Honorable James E. Murray, and Zales N. Ecton, United States Senators From Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, Representatives in Congress From Montana, Requesting That Congress Continue and Enhance Its Program of Rehabilitation of the Landless Indian in Montana.

WHEREAS, before World War II the government of the United States had undertaken a program of rehabilitating the landless Indians in Montana, which program was interrupted by the outbreak of the war and has not since been resumed, and

WHEREAS, many Montana Indians, who for the most part reside on the outskirts of various cities and towns in the state, are ill-fed, ill-clothed, and their living conditions are deplorable, in that said Indians do not receive the common necessaries of life,

NOW, THEREFORE, BE IT RESOLVED, by the thirty-first legislative assembly of Montana of 1949 now in session, the senate and house of representatives concurring, that we do most earnestly pray that the congress of the United States resume and continue an adequate program of relief for the non-ward Indians, commonly known as the "landless" Indians, of Montana, to the end that said Indians may ultimately become self-supporting, and may in the meantime not be denied the common necessaries of life.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana.

Approved: February 25, 1949.

SENATE JOINT MEMORIAL NO. 4

A Joint Memorial to the Secretary of Agriculture of the United States, Wherein He Has Set the Estimated Consumption Quota

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for Sugar for 1949 At a Figure That Should Promise a Fair Return to the Sugar Beet Grower.

To the Honorable Secretary of Agriculture of the United States:

WHEREAS, the United States secretary of agriculture has set the estimated consumption quota for domestic sugar at 7,250,000 short tons for 1949; and

WHEREAS, this figure promises to be at or near the actual consumption in 1949; and

WHEREAS, the price of sugar on the open market is greatly influenced by this consumptive estimate; and

WHEREAS, the consumptive estimate of sugar requirements set and later adjusted for 1948 was so high as to cause a price too low to adequately maintain the domestic sugar beet industry; and

WHEREAS, a large segment of Montana's economy is based on sugar beets raised on irrigated land; and

WHEREAS, the estimated consumption figure for 1949 promises to be low enough to grant a fair return to the sugar beet farmer for his product and still not be discriminatory against the consumer; and

WHEREAS, many sugar beet farmers who formerly were discouraged at their low return for their 1948 crops have been encouraged by the estimate set for 1949;

NOW, THEREFORE, BE IT RESOLVED, by the thirty-first legislative assembly of the State of Montana, the senate and house of representatives concurring, to urge the United States secretary of agriculture to continue to keep the estimated sugar consumption quota in his periodic revisions at a figure that will guarantee a fair return to the sugar beet growers.

BE IT FURTHER RESOLVED, that copies of this memorial be forwarded by the secretary of the senate to the secretary of agriculture and to the senators and representatives in congress from this state.

Approved: February 25, 1949.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, United

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States Senators James E. Murray and Zales N. Ecton, and Representatives Mike Mansfield and Wesley A. D'Ewart, All of Washington, D. C., Requesting the Enactment of Legislation, Allowing for and Directing the Annual Payment of Grants by the United States Government to the State of Montana for the Use and Benefit of the Several Counties of Montana in Lieu of Taxes On Lands Owned by the United States Government in the State of Montana.

WHEREAS, in Montana there is in excess of thirty-nine per cent (39%) of our landed area which is owned by the government of the United States, so held by it in proprietory or trustee capacity for Indian reservations, forest reserves, wild-life refuge, grazing lands, military reservations, and numerous other governmental purposes and objects, none of which lands pay taxes to the State of Montana or the counties therein, nor contribute equitable amounts in lieu of taxes to the school districts, counties and state government, all of which furnish services to such lands and their occupants; and

WHEREAS, such areas are increasing, and the taxation burdens upon sparsely settled communities of our state are becoming more serious; and

WHEREAS, these areas should bear some part of the tax burden comparable to that imposed on lands of our own taxpayers; and

WHEREAS, there has been and will be introduced in the congress of the United States acts under which the government of the United States will pay to the several states of the United States for the benefit of counties wherein government held lands are located, grants in lieu of taxes upon these lands;

NOW, THEREFORE, BE IT RESOLVED by the thirty-first legislative assembly of the State of Montana, senate and house of representatives concurring, that we respectfully urge the enactment of legislation by the congress of the United States providing for the evaluation of property owned or held by the United States government and providing for payments or grants to the State of Montana for the use and benefit of the counties wherein government held lands are located, in lieu of taxes upon these lands; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of state of Montana to the senate and house of representatives of the United States congress and to Senators James E. Murray and Zales N. Ecton and Representatives Mike Mansfield and Wesley A. D'Ewart.

Approved February 25, 1949.

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SENATE JOINT MEMORIAL NO. 7

A Joint Memorial of the Senate and House of Representatives of the State of Montana to Julius A. Krug, Secretary of the Interior, and Michael Straus, Commissioner of the Bureau of Reclamation, Urging That After Due Consideration There Be No Agreement or Understanding Entered Into Which Would Delay the Normal Course of Work in the Construction of the Tiber Dam On the Marias River in Montana and That Construction Thereon Proceed as Rapidly as Possible.

WHEREAS, the bureau of reclamation in June, 1947, recommended to the congress that Tiber dam be constructed as a part of the supplemental flood control program; and

WHEREAS, the congress in 1948 advanced the Lower Marias unit of the Missouri basin project from phase B to phase A of that project and appropriated funds to begin immediate construction of Tiber dam as the first feature of the Lower Marias unit; and

WHEREAS, the Marias Improvement Association, representing through its membership and its board of directors all of the areas which are included in the Lower Marias irrigation project, is engaged in plans for the speedy formation of an irrigation district to enter into a contract for the repayment of the reimbursable irrigation construction costs that may be allocated for repayment under the reclamation project act of 1939 and the flood control act of 1944 and is prepared to give every assurance that steps will be taken to form said district under Montana law as soon as prospective water users are informed of the land appraisals, irrigation plan, and anticipated repayment obligation; and

WHEREAS, this assurance of full cooperation by this organization and the early formation of an irrigation district to contract with the United States for the repayment of the reimbursable irrigation costs in accordance with the reclamation project act of 1939 and the flood control act of 1944 reflects the good faith of the community and provides adequate protection for the United States; and

WHEREAS, information has been received that the question has been seriously raised that all pre-construction and construction work on the Tiber dam of the Lower Marias irrigation project be postponed for either one or two years to permit the exploration for oil on certain lands which will be contained in the proposed reservoir site created by the dam, and perhaps at the site of the dam itself; and

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WHEREAS, the Marias Improvement Association, at the regular annual meeting of its membership on January 31, 1949, did protest, not against the exploration for oil, nor the financial ability of the proponents of the plan to explore for oil, nor their ability or experience as oil operators, but upon the ground that there is no discernible conflict between the two operations, and no necessity or excuse to postpone the work on the Tiber dam because of any such consideration, and sets out specifically:

That there is no danger that any part of the oil beneath the surface of the lands in question will be lost to the land owners, or to the government by reason of the construction of this dam, if there is any such oil under the surface.

That it is entirely possible to carry on the two operations side by side without interference.

NOW, THEREFORE, BE IT RESOLVED by the thirty-first legislative assembly of Montana, now in session, the senate and house of representatives concurring, that:

(a) Immediate steps be taken for the formation of an irrigation district for the Lower Marias unit to meet the requirements of the bureau of reclamation;

(b) Pending the actual formation of the district, the commissioner of reclamation be requested to issue advertisement for bids for the construction of access roads, camps, and other preliminary construction;

(c) Congress be requested to appropriate adequate funds for fiscal year 1950 to get construction of Tiber dam under way; and

(d) Copies of this memorial be forwarded to the secretary of interior, commissioner of the bureau of reclamation, Montana senators and representatives in congress, governor of Montana, and other officials concerned, and that the cooperation with the bureau of reclamation be enlisted so that an irrigation district may be formed and construction of Tiber dam may be expedited.

Approved: February 25, 1949.

SENATE JOINT RESOLUTION NO. 1

Introduced By Committee On Employment

A Joint Resolution Declaring an Emergency to Exist Up to and Including March 3, 1949, and Providing for the Compensation

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and Employment of Additional Help in Addition to the Employees Enumerated in Section 62 of the Revised Codes of Montana for 1935 for the Senate During the Thirty-first Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 77 of the Revised Codes of Montana for 1935, and Providing That Such Additional Employment and Said Emergency Shall Cease Not Later Than March 3, 1949.

BE IT RESOLVED, by the senate of the thirty-first legislative assembly of the State of Montana, the house of representatives concurring:

WHEREAS, the need for skilled help in the senate has created an emergency, which will terminate not later than March 3, 1949, and

WHEREAS, the consideration of tax legislation, educational legislation along with other legislative problems have created an extraordinary condition rendering it necessary, for the orderly and expeditious conduct of the business of the senate, to employ employees in addition to those authorized and enumerated by Section 62 of the Revised Codes of Montana for 1935, up to and including March 3, 1949.

NOW, THEREFORE, BE IT RESOLVED, by the senate of the thirty-first legislative assembly of the State of Montana, the house of representatives concurring, that by virtue of Section 77, Revised Codes of Montana for 1935, the employment committee of the senate be authorized to employ, during the term of the thirty-first legislative assembly, not to exceed six (6) additional stenographers up to and including March 3, 1949, and

BE IT FURTHER RESOLVED, that compensation for the additional employees shall be paid up to and including March 3, 1949 only as provided by house bill No. 1, of the thirty-first legislative assembly.

"WHEREAS, an emergency exists this resolution shall be in full force and effect upon its passage and approval."

Approved: January 28, 1949.

SENATE JOINT RESOLUTION NO. 3

A Joint Resolution to the Governor of the State of Montana Requesting the Appointment of a Commission to Re-negotiate the Yellowstone River Compact.

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WHEREAS, under and in pursuance of that certain act of the congress of the United States, approved June 15, 1940 (public No. 632, 76th congress, third session) the State of North Dakota and the State of Montana negotiated the Yellowstone river compact but it failed to get the final approval of the State of Wyoming, and,

WHEREAS, because and for the reason that the said compact was not approved by all states concerned by the time limit set forth in said act, the said compact is void under said act, and,

WHEREAS, a bill has been introduced in the congress of the United States consenting to the negotiating of a compact by the States of Wyoming, North Dakota and Montana not later than June 1, 1952, providing for an equitable division and apportionment between the states of the water supply of the Yellowstone river and of the streams tributary thereto, provided, however, that such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of said states and by the congress of the United States, and,

WHEREAS, it appears that the State of Wyoming desires an opportunity to re-negotiate said compact with the States of North Dakota and Montana under any legislation enacted and approved by the congress of the United States providing such authority,

NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana, the house of representatives concurring, that the governor of the State of Montana is hereby requested to appoint a commission to re-negotiate a compact with like commissions from the State of Wyoming and the State of North Dakota, under and in pursuance of any legislation that may be enacted and approved by the congress of the United States, providing for an equitable division and apportionment between said states of the water supply of the Yellowstone river and of all the streams tributary thereto, providing, however, that such compact shall not be binding or obligatory upon the State of Montana unless and until the same shall have been approved by the legislature of the State of Montana.

Approved: March 3, 1949.

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CHANGES OF NAMES DECREED IN 1947-1948

Date of Judgment	Original Name	Name Decreed	Residence
Dec. 10, 1947	Elizabeth Ann Goodman	Elizabeth Ann Hochar	Great Falls
Sept. 17, 1947	John Joseph Johnson	John Joseph Laabs	Cascade County
Apr. 14, 1947	Harold Dale Trimbell	Harold Dale Gatzke	Whitefish
June 10, 1947	Richard Trim Duggar	Richard Fuller	Kila
June 10, 1947	Faith Marie Duggar	Faith Marie Fuller	Kila
Sept. 5, 1947	Union Club	M & N Club	Kalispell
Dec. 2, 1947	George Howard Jensen, Jr.	William Robert Bever, Jr.	Lewistown
Dec. 2, 1947	George Howard Jensen	William Robert Bever	Lewistown
Dec. 2, 1947	Paul Howard Jensen	Paul Howard Bever	Lewistown
Dec. 2, 1947	Fay P. Jensen	Fay P. Bever	Lewistown
*Feb. 4, 1947	Martin Emil Skapik	Martin Emil Storfa	Harlowton
*Feb. 4, 1947	David Ted Skapik	David Ted Storfa	Harlowton
*Apr. 10, 1947	Andrea Hagnes	Andrea DeMars	Lewistown
*Apr. 17, 1947	Jacqueline James	Jacqueline Delage	Lewistown
*Apr. 17, 1947	Janelle James	Janelle Delage	Lewistown
*Apr. 17, 1947	Ilona James	Ilona Delage	Lewistown
*May 2, 1947	Martha Coralie Moseley	Martha Coralie Crawford	Lewistown
*May 2, 1947	Jay Vincent McIntyre	Jay Vincent Crawford	Lewistown
*May 3, 1947	Sharon Gail Hove	Sharon Gail Toomey	Lewistown
*Aug. 6, 1947	"Infant Thaut"	William Charles Willis, Jr.	Winifred
*Dec. 13, 1947	David Smith	David Boyd McConnell	Lewistown
*Mar. 17, 1947	Bruce Arlen Jensen	Bruce Arlen Nielsen	Gallatin County
*Mar. 17, 1947	Dorothy Sharon Jensen	Dorothy Sharon Nielsen	Gallatin County
*Apr. 5, 1947	Marilyn Cecilia Winters	Marilyn Cecelia Clark	Gallatin County
*Apr. 5, 1947	Ardith Helen Winters	Ardith Helen Clark	Gallatin County
*Apr. 22, 1947	Mary Catherine Shaw	Mary Catherine Delano	Gallatin County
*May 15, 1947	Stephen Moriarty	Stephen Holburn	Bozeman
*June 5, 1947	Patrick Allen Chapman	Daniel Alan Noyes	Gallatin County
*June 5, 1947	Paul Edward Chapman	Donald Owen Noyes	Gallatin County
*June 12, 1947	Baby Schauenberg	David Paul Scherer	Bozeman
*July 2, 1947	Baby Drew	Herbert Ronald Fox	Bozeman
*Aug. 25, 1947	Johne Martin Finley	Johne Martin Lennon	Gallatin County
*July 22, 1947	Stephen James Hall	Stephen James Hall	Gallatin County
*Nov. 24, 1947	Bobbie Marie Huhtala	Bobbie Marie McKissack	Gallatin County
*Oct. 20, 1947	Baby Idland	Frank Robert Bounting	Gallatin County
*Dec. 22, 1947	John Henry Helm	John Henry Helm	Bozeman
*Nov. 3, 1947	Sharon Kay Van Dyke	Sharon Kay Van Dyke	Manhattan
*Dec. 29, 1947	LeRoy Zubke	Robert Roy Nordley	Three Forks
July 7, 1947	Martin Harry Ginsburg	Martin Harry Gaynes	Bozeman
Sept. 29, 1947	Robert Frank Bilyeau	Robert Frank Richardson	Bozeman
Nov. 24, 1947	Donald Clayton Kundert	Donald Clayton Blue	Manhattan

* — Adoption.

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CHANGES OF NAMES DECREED IN 1947-1948

Date of Judgment	Original Name	Name Decreed	Residence
May 27, 1947	Lawrence Earl Wehr	Lawrence Earl Hart	Polson
Jan. 4, 1947	Kenneth Edward Grisham	Kenneth Edward Mahan	Helena
June 18, 1947	St. Paul's Methodist Episcopal Church of Helena, Montana	St. Paul's Methodist Church of Helena, Montana	Helena
July 21, 1947	Wong Sun Jung	Phillip Wong Chow	Helena
Dec. 8, 1947	Edward Wayne Kujala	Edward Wayne Lane	Helena
June 6, 1947	Edgar John Eggen	Edward John Eggen	Missoula
Sept. 5, 1947	James Konstantinous Carakitsos	James K. Caras	Missoula
Sept. 5, 1947	Peter Skourdoubis	Peter Robbins	Missoula
Sept. 15, 1947	David Elmer Murray	David Elmer Stringham	Missoula
July 1, 1947	Dallas Ernest Taugher	Dallas Ernest White	Livingston
Sept. 11, 1947	Arthur Donald Diggs	James Jay Retzlaff	Wolf Point
May 16, 1947	Joseph Frank James Sladovnik	Joseph Frank Slade	Yellowstone County
May 16, 1947	Erma Mae Sladovnik	Erma Mae Slade	Yellowstone County
May 16, 1947	Jo Ann Kaye Sladovnik	Jo Ann Kaye Slade	Yellowstone County
May 16, 1947	Donald John Sladovnik	Donald John Slade	Yellowstone County
May 16, 1947	David Frank Sladovnik	David Frank Slade	Yellowstone County
Aug. 11, 1947	William Robert Boyer	William Robert Tronson	Yellowstone County
Sept. 22, 1947	Joseph Bernard Domitrovich	Joseph Bernard DeWitt	Yellowstone County
Oct. 27, 1947	Nina Carolyn Bertram	Carolyn Holley	Yellowstone County
Dec. 16, 1946	Paul Evern Kozeluh	Paul Evern Turner	Yellowstone County
Jan. 24, 1947	Thelma Jean Kelly	Thelma Jean Whowell	Yellowstone County
Mar. 2, 1948	Robert Halle Kamimura	Robert Halle Cameron	Drummond
Apr. 29, 1947	Donald Louie Wallrabenstein	Donald Louie Wahl	Livingston
Oct. 19, 1948	Robert Roy Wills	Robert Roy Martinson	Lewistown
*Jan. 23, 1948	"Baby Jepson"	Weymouth Daniel Saymmes, III	Lewistown
*Apr. 30, 1948	Calvin Arthur McGee	Calvin Arthur French	Grass Range
*May 1, 1948	Judith Mary Stevenson	Judith Mary Bosworth	Lewistown
*June 15, 1948	Venda Mathea Gilbert	Venda Mathea Rekdal	Lewistown
*June 15, 1948	Vivian Maxine Gilbert	Vivian Maxine Rekdal	Lewistown
*Dec. 3, 1948	"Baby Smith"	Brock Timothy Fallon	Lewistown
Nov. 12, 1948	Richard Fay Paulson	Richard Fay Rolandson	Circle
July 10, 1948	Elizabeth Jane Leahey	Jeannette Elizabeth Potter	Helena
Jan. 31, 1948	Shirley Louise Lay	Shirley Louise Nelson	Helena
Mar. 31, 1948	Kenneth Mark Weaver	Kenneth Mark Larson	Helena
Feb. 9, 1948	Gerald Eugene Farrer	Gerald Eugene Miller	Thompson Falls
Oct. 11, 1948	Clifford Robert Branner	Clifford Robert White	Hot Springs
May 19, 1948	William Lowell Shelhamer	William Lowell Doig	Big Timber

* — Adoption.

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CHANGES OF NAMES DECREED IN 1947-1948

Date of Judgment	Original Name	Name Decreed	Residence
Mar. 19, 1948	Ernest Maloney	Robert Eugene Mercer	Billings
Mar. 30, 1948	Raymond Emanuel Benson	Raymond Darlington Benson	Billings
Sept. 20, 1948	Lucille May Kelly	Erma Lucille Lenhardt	Billings
Sept. 17, 1948	George L. Korpondinos	George L. George	Yellowstone County
Nov. 22, 1948	Norma Hansen Bumgardner	Norma Hansen Gardner	Billings
Nov. 22, 1948	Stephen Louis Bumgardner	Stephen Louis Gardner	Billings
Nov. 22, 1948	James Louis Bumgardner	James Louis Gardner	Billings
Dec. 31, 1948	Georgette Marie Mitchell	Georgette Marie Guay	Billings
*Jan. 3, 1948	Richard Joseph Donahue	Richard Joseph Lutes	Gallatin County
*Jan. 12, 1948	Baby Powell	Nina Marie Egbert	Gallatin County
*July 12, 1948	Stanley James Harrison	Stanley James Matthews	Gallatin County
*July 7, 1948	Patricia Mae Ryan	Patricia Mae Klaboe	Bozeman
*July 7, 1948	Helen Royce Ryan	Helen Royce Klaboe	Bozeman
*July 7, 1948	Carol Rae Ryan	Carol Rae Klaboe	Bozeman
*May 21, 1948	Stephen Cobb Hatch	Stephen Cobb McClanahan	Bozeman
*May 21, 1948	Gerald Cole Shryack	Gerald Cole Myers	Gallatin County
*June 15, 1948	Jerome Joseph Ugrin	Jerome Joseph Davis	Bozeman
*June 15, 1948	Gary Edward Ugrin	Gary Edward Davis	Bozeman
*June 17, 1948	William Eugene Kremer	William Eugene Kremer	Gallatin County
*Aug. 13, 1948	Robert Allen Divine	Robert Allen Wasmer	Bozeman
*Aug. 13, 1948	Gerald Lee Divine	Gerald Lee Wasmer	Bozeman
*Sept. 15, 1948	Baby Moore	Melody Rae Keyes	Gallatin County
*Oct. 11, 1948	Baby Schenk	Michael Kevin O'Rourke	Gallatin County
*Dec. 1, 1948	Baby Moser	Barbara Callister	Gallatin County
*Dec. 15, 1948	Bruce Wayne Tague	Thomas Eugene Field	Bozeman
*Dec. 23, 1948	Linda Lou Parmly	Deborah Ann Werner	Gallatin County
*Dec. 24, 1948	Baby Shaffer	Mary Jane Eneboe	Bozeman
Mar. 29, 1948	Peder Skjolberg	Peter Solberg	Bozeman
Feb. 18, 1948	Stanley Albert Gilinsky	Stanley Albert Cowan	Cascade
Feb. 25, 1948	Marcellino Pengue	Marcy Louis Pengue	Great Falls
Feb. 25, 1948	Dorothy Buckley Pengue	Leith Dorothy Pengue	Great Falls
May 12, 1948	Arthur LeRoy Wolfe	Arthur LeRoy MacLennan	Cascade County
June 23, 1948	Gilbert Duane Swan	Gilbert Duane Fleury	Great Falls
June 23, 1948	Ludetta Maureen Swan	Ludetta Maureen Fleury	Great Falls
July 7, 1948	John Edward Koefelda	John Edward Fisher	Cascade County
July 7, 1948	Josephine Koefelda	Josephine Fisher	Cascade County
July 7, 1948	Donald Louis Koefelda	Donald Louis Fisher	Cascade County
Aug. 19, 1948	Thomas G. Georgakos	Thomas G. George	Great Falls
Aug. 19, 1948	Ewald Mikolajewski	Ewald Mikel	Great Falls
Sept. 9, 1948	Edward Paul Dee	David D. Hill	Great Falls
Dec. 14, 1948	George Petric	George Patrich	Miles City
Aug. 5, 1948	Leo Archibald McCollum	Leo Archibald Perro	Seeley Lake
Sept. 10, 1948	Hugh Francis Heberlie	William Francis Montgomery	Missoula
Oct. 29, 1948	Mayme Oase	Mayme Renshaw	Missoula

* — Adoption.

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APPENDIX

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APPENDIX

The following constitutional amendment and referendum measures adopted by the people at the general election held November 2, 1948, became effective by virtue of the governor's proclamation on December 3rd, 1948:

CHAPTER 197

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 39 of Article V of the Constitution of the State of Montana, Relating to the Remission of Certain Delinquent Personal Property Taxes and the Cancellation of Certain Obligations Held by Counties, the Collection of Which is Barred by the Statute of Limitations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 39 of Article V of the constitution of the State of Montana be amended as hereinafter provided, that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1948.

Section 2. That Section 39 of Article V of the constitution of the State of Montana be, and the same is hereby amended to read as follows:

"Section 39. Except as hereinafter provided, no obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislative assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

"It shall however be lawful for the legislative assembly, in such manner as it may direct, to authorize the cancellation of any personal property taxes which are not a lien on real estate and which have been delinquent for ten (10) years or more.

"It shall also be lawful for the legislative assembly, in such manner as it may direct, to authorize the cancellation of any contractual

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obligation owed to or held by a county, for seed grain, feed or other relief, the collection of which obligation is barred by the statute of limitations."

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided for by Section 678, Revised Codes of Montana, 1935, as amended by Chapter 81, Session Laws, 1939, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment.

The elector shall designate his preference for either of the propositions by making an X before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

REFERENDUM MEASURE NO. 51

CHAPTER 217

An Act Providing for the Increase of the Rate of Taxation On Real and Personal Property for State Purposes of Not to Exceed Six (6) Mills On Each Dollar of Taxable Valuation, in Addition to the Levy Which is Now or May Be Hereafter Authorized by Section 9 of Article XII of the Constitution of the State of Montana, for a Period of Ten (10) Years Beginning With the Year 1949, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of Not to Exceed Six (6) Mills on Each Dollar of Taxable Valuation for the Support, Maintenance and Improvement of the Six

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Units Now Comprising the University of Montana, Together With the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate So Much of the Money Derived Therefrom for Each Year During Said Period As May Be Necessary for Said Purposes, and Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election, Describing the Form of Ballots to be Used and the Duties of the Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing When This Act Shall Take Effect, and Providing for Repeal of Chapter 143 of the Laws of 1939 and All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by a Majority of All Votes Cast at the Referendum Election Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the rate of taxation on real and personal property for state purposes, as is hereafter defined, for each year for a period of ten (10) years beginning with the year 1949, shall be increased six (6) mills on each dollar of taxable valuation in addition to the levy which is now or may hereafter be authorized by Section 9 of Article XII of the constitution of the State of Montana, and the legislative assembly is authorized and empowered to levy an additional tax for state purposes for each of said years of not exceeding six (6) mills on each dollar of taxable valuation for state purposes, and all money derived from said additional levy of six (6) mills for each of said years or so much thereof as may be necessary shall be appropriated by the legislative assembly for the support, maintenance and improvement of the state university at Missoula, the state college of agriculture and mechanic arts at Bozeman, the Montana state school of mines at Butte, the Montana state normal college at Dillon, the eastern Montana state normal school at Billings, and the northern Montana college at Havre, now comprising the units of the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and grain laboratory.

Section 2. There shall be a referendum upon this act, and the secretary of state of the State of Montana is hereby required and it is made his duty to submit this act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1948, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto;

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the title and number of this referendum act shall be printed upon the official ballot used at said election. Irrespective of the provisions of Section 103, Revised Codes of Montana, 1935, such title shall read as follows:

An act providing for the increase of the rate of taxation on real and personal property for state purposes of not to exceed six (6) mills on each dollar of taxable valuation, in addition to the levy which is now or may be hereafter authorized by Section 9 of Article XII of the constitution of the State of Montana, for a period of ten (10) years beginning with the year 1949, and to authorize and empower the legislative assembly to levy a tax for each year during such period of an additional levy of not to exceed six (6) mills on each dollar of taxable valuation for the support, maintenance and improvement of the six units now comprising the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and the grain laboratory and to appropriate so much of the money derived therefrom for each year during said period as may be necessary for said purposes, and providing for the submission of this act to the qualified electors of the State of Montana at the next general election describing the form of ballots to be used and the duties of the secretary of state of the State of Montana relative to the submission of said act to the qualified electors of said state; providing when this act shall take effect, and providing for repeal of Chapter 143 of the laws of 1939 and all other acts and parts of acts in conflict herewith upon approval of this act by a majority of all votes cast at the referendum election herein provided.

Below the said title of the act on said ballot there shall be printed the words and squares:

☐ For the levy for the University, Agricultural Experiment Stations and Extension Service.

☐ Against the levy for the University, Agricultural and Experiment Stations and Extension Service.

Each qualified elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 3. The vote upon this referendum act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such referendum act shall be in favor of the act, the governor of the State of Montana shall immediately so declare by public proclamation.

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Section 4. This act shall be in full force and effect from and after its passage by this legislative assembly, approval by a majority vote of the qualified electors and proclamation of the governor thereafter; provided, however, nothing contained herein shall be construed to or shall in any manner effect a repeal of Chapter 143 of the laws of 1939 unless a majority of all votes cast at the referendum election herein provided shall be in favor of this act. Upon approval of this act by a majority of all votes cast at the referendum election herein provided, Chapter 143 of the laws of 1939 and all other acts and parts of acts in conflict herewith shall be hereby repealed.

Approved March 6, 1947.

REFERENDUM MEASURE NO. 52

CHAPTER 249

An Act to Authorize the State of Montana to Become Indebted in the Sum of Five Million Dollars ($5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana is Now Obligated, for the Construction and Equipping Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor in and About the University of Montana, Consisting of the Six Units Thereof Now Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, Providing for a Referendum of This Act, Describing the Form of Ballots to Be Used and the Duties of the Secretary of State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the legislative assembly of the State of Montana is hereby authorized and empowered to direct the state board of examiners to issue bonds in the name of the State of Montana in a

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sum not exceeding five million dollars ($5,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, Montana state normal college at Dillon, eastern Montana state normal school at Billings, and the northern Montana college at Havre.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, Montana state normal college at Dillon, eastern Montana state normal school at Billings, and the northern Montana college at Havre.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time the same are authorized to be issued under the provisions of this act and shall bear date as of the day of issuance thereof and shall become due and payable serially over a period of not to exceed twenty (20) years from the date of issuance and shall bear interest at the rate of not to exceed four percent (4%) per annum payable semi-annually on such dates as may be determined and fixed by the state board of examiners, provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series.

The bonds provided for in this act shall be payable at the office of the state treasurer of the State of Montana at Helena, Montana,

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or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, both as to interest and principal and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. All of such bonds so issued shall mature at the expiration of twenty (20) years from and after the date thereof and shall be callable at par plus accrued interest for redemption prior to maturity or any interest payment date on or after the expiration of ten (10) years from the respective dates thereof at the option of the state board of examiners of the State of Montana in the manner set forth in the form of bond hereinafter provided.

Section 4. The board of examiners shall prescribe the form of such bonds, and bonds of each series shall bear upon their face the words: "University of Montana building bonds of the State of Montana" with a letter or figure to designate the series thereon and shall be executed by the members of the state board of examiners and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of the state board of examiners and the signing of said bonds and coupons with facsimile signatures shall be recognized as sufficient execution on behalf of the State of Montana. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell such bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of twenty (20) years from and after the approval of this act and in such amounts as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units thereof now existing, set forth in Section 1 of this act, as in the opinion of the board of examiners is necessary for the proper maintenance and support of the said state institutions. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state

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treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Section 6. There shall be levied annually upon all property of the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due, and the payment of the bonds as they serially become due, said levy, however, not to exceed two and one-half (2½) mills per annum, until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "university of Montana building bond interest and redemption fund" which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Section 7. There shall be a referendum on this act, and the secretary of state of the State of Montana is hereby required, and it is made his duty to submit this measure to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1948, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto. The title and number of this referendum act shall be printed upon the official ballot used at said election; and irrespective of the provisions of Section 103, Revised Codes of Montana, 1935, such title shall read as follows:

"An Act to Authorize the State of Montana to Become Indebted in the Sum of Five Million Dollars ($5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction and Equipping Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor in and About the University of Montana, Consisting of the Six Units Thereof Now Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, Providing for a Referendum of This Act, Describing the Form of Ballots to Be Used and the Duties

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of the Secretary of State of the State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect."

Below the said title of the act on said ballot there shall be printed the words and squares:

☐ For the bond issue for university of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units now existing.

☐ Against the bond issue for the university of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units now existing.

Each qualified elector shall designate his preference by marking an 'X' in the square before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned and canvassed and the results shall be determined and declared in the manner provided by the general election laws of the state and the laws of this state relating to referendum elections.

Section 8. The cost of the bonds issued under this act, fees, commissions, and compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1947.

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GENERAL INDEX

NOTE:

Index of Appropriations Follows General Index

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